United Nations CEDAW/C/SR.1576

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
28 February 2018

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1576th meeting
Held at the Palais des Nations, Geneva, on Thursday, 22 February 2018, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Eighth periodic report of the Republic of Korea (CEDAW/C/KOR/8; CEDAW/C/KOR/Q/8 and CEDAW/C/KOR/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of the Republic of Korea took places at the Committee table.*

2. **Ms. Chung** Hyun-back (Republic of Korea), introducing her country's eighth periodic report, said that achieving gender equality was a key national policy aim and the Government was seeking to strengthen cooperation with civil society to that end. In the previous year alone, the proportion of female Cabinet ministers had risen from 9 to 32 per cent.

3. As part of efforts to introduce gender mainstreaming, the Government had created the second Basic Plan for Gender Equality Policy for the period 2018–2022, which set out the policy goals for each ministry, and had passed the Gender Impact Analysis and Assessment Act, which had resulted in a twofold increase in the number of such analyses conducted. The impact of gender would also be assessed by local authorities from 2017. The gender-responsive budget had risen to almost 30 trillion won in 2017, an increase from 3.7 to 7.4 per cent of the total government budget since 2010. The "Ten Main Projects for Greater Gender Equality Experience" and "Voice for Gender Equality" campaigns had been launched to raise awareness of gender equality issues in everyday life.

4. Under the Plan to Enhance Women's Representation in the Public Sector for the period 2018–2022, the proportion of high-ranking female government officials would be increased from the current 6 per cent to 10 per cent by 2022. Gender quotas would also be introduced for civil servants, executives in public organizations, academics, and military and police officers. The Korean Centre for Women in Science, Engineering and Technology encouraged female students to embark on careers in science and engineering, with support from the Government's fourth Basic Plan for Supporting Women Scientists and Engineers for the period 2019–2023.

5. To tackle sexual harassment, the Government would conduct inspections of public organizations and private businesses with 30 or more employees by the end of 2018 while introducing harsh penalties for sexual harassment, providing proactive support for victims and raising awareness of the issue of sexual harassment in the workplace. The State party planned to implement more stringent punitive measures for distributing illegal material over the Internet within the first half of 2018 and to empower the Korea Communications Standards Commission to delete and block such material at the request of the law enforcement agencies. Initiatives to address stalking and partner violence included an emergency hotline to assist victims, the provision of protection and recovery programmes as part of psychotherapy services and efforts to raise awareness of the issue. Investigations into sexual assault cases had been improved through the creation of the Sexual Violence Response Division of the Korean police, the development of investigative methods and the training of judges handling sexual assault cases.

6. Her Government operated 42 centres for women with disabilities that provided counselling, vocational training, education programmes and practical information. The Multicultural Family Support Centre Family offered counselling, interpreting and translation services and parenting programmes to immigrant women and multicultural families to help them adjust to life in the Republic of Korea. In addition, a number of organizations assisted those women in finding employment and ran Korean language courses for children from such families. The Multicultural Families Support Act had been amended in 2017 to make multiculturalism courses mandatory for schoolteachers. Single parents with low incomes were entitled to a monthly child allowance and additional benefits were available to single parents aged 24 or under. From 2018, a national day would be set for 10 May to raise awareness of single-parent families and to reduce the social stigma attached to them.

7. As part of efforts to address the lower employment rate among women in their thirties, the Government ran 155 centres around the country providing job training, counselling and other services to encourage women to rejoin the labour force after having children. A certification programme offered companies incentives to promote a family-friendly culture and the State party intended to require companies to submit gender-disaggregated data on pay in an effort to close the gender wage gap. As part of its goal to encourage parents to share childcare responsibilities, the Government planned to adopt a policy to reduce the working hours of parents with children, to promote the involvement of men in childcare and housework and to increase the parental leave allowance from 1.5 million won at present to 2 million as from July 2018.

8. The Government was currently working on the second National Action Plan on Women and Peace and Security to reaffirm the role of women in conflict prevention and to reinforce gender mainstreaming policies in national defence, peace, unification and foreign affairs. As a donor country providing official development assistance, the Republic of Korea played a key role in the effort to eliminate discrimination and empower women in developing countries. In that regard, the Korea International Cooperation Agency, the Government's foreign aid body, had devised a medium-term gender equality strategy for the period 2016–2020 to implement gender mainstreaming in development cooperation projects.

Articles 1 to 6

9. **Ms. Manalo** said she regretted that the Republic of Korea had not enacted any law or constitutional provision against discrimination since the State party's ratification of the Convention in 1984, in spite of the Committee's recommendation in its concluding observations from the last reporting cycle (CEDAW/C/KOR/CO/7, para. 15). She would appreciate an explanation as to why the Government had not yet withdrawn its reservation to article 16 (1) (g) of the Convention, on the equal rights of husbands and wives. The Constitution provided for gender equality in family life; nevertheless, the patrilineal principle was retained and the Family Litigation Act removed the right of the mother to seek to change her child's family name. She wished to know why that was the case. She invited the delegation to indicate whether the State party had accepted the amendment of article 20 of the Convention, since there was no mention in the periodic report. She would appreciate a clarification of the State party's claim that its report had reflected the comments and feedback of NGOs given that no official procedure that allowed human rights organizations to report to the National Assembly existed. She also wished to know whether the Government envisaged implementing a legal and institutional framework to broaden its recognition of NGO activities and to provide them with financial support.

10. **Ms. Park** Eun Young (Republic of Korea) said that the content of a potential anti-discrimination law had been under discussion for 10 years. However, resistance to the bill had continued to impede its enactment. The adoption of a general anti-discrimination law would be covered in the third National Action Plan for 2017–2021.

11. **Ms. Choi** Hye-min (Republic of Korea) said that the National Human Rights Commission had held a conference on the adoption of legislation pursuant to the Committee's recommendations with regard to article 16 (1) (g), and discussions were ongoing. Although the reservation had not been withdrawn, current law did not contravene the Convention since, under the Civil Act, parents had the option to decide whose family name the child would take and the child's family name could be changed at the request of either parent subject to approval by the family court. Cases involving the change of a child's family name required the permission of the courts. However, a legal provision providing that a paternal relative had to give his or her consent had been removed to ensure the welfare of the child.

12. **Ms. Chung** Hyun-back (Republic of Korea) said that the newly elected Government was committed to strengthening cooperation and consultation with NGOs and recognized the importance of providing them with financial support. For that reason, it had plans to increase its funding contributions. Several women's organizations were, however, already receiving support.

13. **Ms. Manalo**, while welcoming the Government's commitment to reaching a social consensus on a general anti-discrimination law, said she was concerned that the State party had spent several decades trying to achieve that goal without success. She wondered whether it was now time for a change of approach, such as by amending the Constitution to prohibit discrimination.

14. **Ms. Schulz** said that article 1 of the Convention, which covered discrimination against women, including direct, indirect and multiple or intersecting forms, had become an obligation of the State party on ratification of the Convention and was therefore for immediate, not progressive, implementation. However, alternative reports indicated that not only was discrimination against lesbian, bisexual and transgender women and girls widespread, but also that the Ministry of Gender Equality and Family had actively intervened to prevent a municipal order granting sexual minorities the right to equal treatment. In that light, she wished to know whether the State party intended to accelerate efforts to adopt comprehensive anti-discrimination legislation.

15. **Ms. Choi** Hye-min (Republic of Korea) said that, although the principle of gender equality was contained in the Constitution, the Ministry of Gender Equality and Family had presented a bill on gender equality to promote equal participation in elected office and expand maternity and paternity rights, among other aspects. Recommendations for a new provision on gender equality had also been made by a committee with responsibility for assessing and proposing amendments to the Constitution.

16. **Ms. Park** Eun Young (Republic of Korea) said that the Government continued to work closely with civil society towards the development of a comprehensive anti-discrimination law.

17. **Ms. Chung** Hyun-back (Republic of Korea) said that the Ministry of Gender Equality and Family was committed to taking action against discrimination, including on the grounds of sexual orientation or gender identity. She noted the concerns raised by the Committee regarding the lack of comprehensive anti-discrimination legislation. One of the Government's priorities was to work towards a social consensus on the issue. Although further efforts to amend the Constitution were needed, a wider social discussion was still necessary.

18. **Ms. Manalo** pointed out that constitutional provisions or laws that guaranteed gender equality and prohibited discrimination were mutually reinforcing and, thus, both were essential. She would encourage the State party to urgently consider amending the Constitution to include a provision on discrimination or introducing a comprehensive anti-discrimination law to strengthen existing constitutional provisions.

19. **Ms. Schulz** said that, while it was true that social-consensus building was important, the role of government was to lead change and express the values of the society it wanted to create. On the issue of discrimination, she hoped that the Government would take the lead, not follow.

20. **Ms. Chung** Hyun-back (Republic of Korea) said that the Committee's concerns would be relayed to the Government and every effort would be made to achieve further progress on the issue. Regarding the amendment to article 20 (1) of the Convention, the response would shortly be provided in writing.

21. **Ms. Ameline** said that she wished to know what mechanisms were in place and measures envisaged to raise awareness about the Committee's forthcoming concluding observations and ensure their implementation. She wished to know whether the Gender Equality Committee would be attached to the Office of the President, thus strengthening its authority; what steps were being taken to adopt the comprehensive anti-discrimination law, as recommended by the National Human Rights Commission; how gender-equality measures were being coordinated at local and national levels; and what authority and resources were given to the gender equality officers working around the country. Regarding the system of gender-responsive budgeting, she would be interested to know: whether the methodology used had been evaluated and, if so, its outcome; how overall results, rather than each individual project, were assessed; and what the Government was doing to highlight the achievement of gender equality as a critical part of meeting the Sustainable

Development Goals. Lastly, in view of how technologically advanced the Republic of Korea was, she wondered what steps were being taken to improve women's participation in decision-making and democratic processes through information communication technologies.

22. **Ms. Rana**, referring to the State party's second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, said that she would welcome information on the results of the first national action plan and how they had shaped the latest version. She wished to know to what extent civil society was involved in implementing those plans, what legal and institutional measures, including budget allocation and monitoring mechanisms, were in place to support implementation and what proportion of women participated in the numerous peace negotiations that took place in the State party. Regarding "comfort women", who had been forced into sexual slavery during the Second World War, she wondered what had been the outcome of a 2017 review of the related 2015 agreement between the Republic of Korea and Japan and of the activities of the Reconciliation and Healing Foundation and what steps had been taken to hear from the victims and ensure their right to redress.

23. **Ms. Nadaraia** said that, despite progress in terms of women's participation in public life, structural and cultural gender-based discrimination remained pervasive. For instance, although women accounted for some 45 per cent of public officials, just 12 per cent occupied high-level positions. Moreover, despite a quota requiring that not more than two thirds of members of government committees should be of the same gender, women's representation in the five most prominent committees was just 15 per cent. Since the Government had created a plan aimed at improving women's representation in the public sector during the period 2017–2022, she wished to know what practical steps were being taken to increase the effectiveness of its temporary special measures.

24. **Ms. Manalo** said she noted that the national machinery for the advancement of women was composed of three separate entities: the Ministry of Gender Equality and Family, the National Human Rights Commission of Korea and the Gender Equality Committee. She would be interested to know how those different bodies coordinated their work. She questioned the wisdom of assigning a ministry responsibility for the dual portfolio of gender equality and family affairs. There was a danger that, when a conflict arose between the two, gender equality would be sacrificed in favour of family issues. How would they ensure that gender equality took priority?

25. **Ms. Chung** Hyun-back (Republic of Korea) said that one of the main reasons for establishing the Gender Equality Committee had been to create an overarching body to monitor issues relating to gender equality. Once up and running, the Committee would indeed be attached to the Office of the President.

26. The Committee's concerns regarding her Ministry, which had responsibility for both gender equality and family affairs, were reasonable. Society had, however, undergone major changes in the past decade, and the concept of the family had itself altered with the emergence of new family structures, such as single-parent families. Policies and services that recognized the diversity of family structures and provided them with appropriate support were necessary, but every effort would be made to ensure that there was no conflict between family issues and the pursuit of gender equality.

27. **Ms. Seo** Eun Hee (Republic of Korea) said that women's representation in the public sector, particularly in middle and senior management posts, had steadily increased owing to various government measures. For example, gender quotas had been introduced to combat the low proportion of women in senior positions. Moreover, the Government aimed to achieve a 21 per cent increase in women directors by 2022. Appointments were checked quarterly to ensure that public agencies were meeting their targets, which were legally binding.

28. **Ms. Kim** Hye Jin (Republic of Korea) said that, regarding the Sustainable Development Goals, the Government was taking steps to mainstream gender into its development cooperation programmes. A five-year strategy had been developed with a view to achieving the Government's vision of a gender-equal society and there were plans

to build a system to ensure the implementation of the Sustainable Development Goals across all areas.

29. **Ms. Lee** Gun-jeong (Republic of Korea) said that the gender-responsive budgeting system accounted for almost 8 per cent of the State budget. At the current time, more than 34,000 projects were in receipt of funding, compared to around 330 in 2010. Impact assessments had been introduced in 2015 and attention was now focused on how best to use and share the results.

30. **Ms. Jeung** Eun (Republic of Korea) said that the country's first national action plan for the implementation of Security Council resolution 1325 (2000) had been introduced in 2014, with civil society taking part in annual implementation meetings. However, the review of the first plan had highlighted the need to increase civil-society participation and capacity-building measures, aspects that were being incorporated into the second plan. Moreover, one of the goals of the second plan was to increase women's representation in government committees.

31. **Ms. Ameline**, emphasizing that achievement of the Sustainable Development Goals was irrevocably linked not only to women's participation but also to women's access to decision-making, asked whether plans to increase women's representation in senior public-sector positions also took into account the need to include women in decisions regarding future programmes and whether there were plans to evaluate the Korean Gender Equality Index alongside other performance indicators.

32. **Ms. Verges** asked whether the 7 per cent of the State budget allocated to gender-responsive budgeting, as mentioned in the State party's opening statement, was solely for the Ministry of Gender Equality and Family or covered all ministries dealing with gender issues.

33. **Ms. Lee** Yun-a (Republic of Korea) said that the Government had prioritized efforts to increase the participation of women in decision-making. There were some government committees on which the representation of women remained low, but the target set for 2020 was a rate of 40 per cent on every committee. Women currently made up about 40 per cent of the members of Government committees on average.

34. The gender-responsive budget was an interministerial budget for the promotion of gender policy. The Ministry of Gender Equality and Family, the Ministry of Employment and Labour and the Ministry of Health and Welfare were responsible for analysing its implementation.

35. **Ms. Chung** Hyun-back (Republic of Korea) said that, although the budget made available to the Ministry of Gender Equality and Family was not large, it should be borne in mind that other ministries also had budgets for gender policy. The Ministry of Gender Equality and Family was responsible for evaluating the implementation of gender policy.

36. The new Government recognized the importance of supporting surviving victims of sexual slavery by the Japanese Imperial Army, who had been known as "comfort women". The maintenance paid to them had recently been increased substantially, and they were provided with rental accommodation and free medical care. The Government was preparing a project to document the plight of the "comfort women", enable surviving victims to make their voices heard and raise awareness of their experiences among young people. It also planned to establish an institute dedicated to their experiences. The surviving victims themselves would be consulted throughout the project. The first victim to have come forward, Kim Hak-sun, had done so on 14 August 1991, and all victims of sexual slavery by the Japanese Imperial Army had since been commemorated annually on that day.

37. **Ms. Halperin-Kaddari** said that it was unclear why the State party had not already implemented the various measures that had been planned to protect women from online misogyny and hate crimes fomented online. In that connection, it would be useful if the delegation could indicate what steps would be taken to prevent cyber violence against women and girls, how online platforms and operators would be regulated with a view to preventing the distribution of offending content and whether measures would be adopted to facilitate the prosecution of those who redistributed such content. She wished to know what steps would be taken to amend the legislative framework in order to facilitate the

prosecution of all forms of cyber violence. In addition, she wondered whether the Government was aware of a recent trend whereby female victims of sexual violence were accused of having made false accusations and were sued, whether it was studying that trend, what steps it had taken in response, whether the victims would be offered free legal aid and what measures had been taken to prevent that and similar abuses of the legal system. On a related point, she wondered whether there were plans to abolish the practice of questioning female victims on their sexual history and to render such evidence inadmissible in court.

38. With regard to sexual and domestic violence, she would like to know whether the penalties imposed on convicted perpetrators who violated protection or restraining orders would be strengthened, whether systematic data on indictments, convictions and sentences were collected and whether persons in de facto unions, including single-sex partners, could be prosecuted under existing legislation. It would be helpful to learn whether, in line with a Supreme Court ruling of 2013, marital rape would be incorporated into the Criminal Code as a specific offence. Lastly, the delegation was invited to indicate whether comprehensive measures, including counselling and healing programmes, had been organized for female defectors from the Democratic People's Republic of Korea, who were often subjected to sexual violence in various forms.

39. **Ms. Hofmeister** said that the State party was to be commended for its ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the incorporation of the principle of universal jurisdiction into the Criminal Code. However, certain groups of women, including unaccompanied migrant girls and women involved in prostitution and the sex industry, remained vulnerable to trafficking in persons. In that connection, it would be helpful if the delegation could indicate what steps would be taken to introduce a victim protection system, including an improved mechanism to identify victims, and what measures would be adopted to help victims obtain legal migration status and abolish the legal obstacles to victims' full enjoyment of their human rights.

40. She would appreciate comprehensive data on the impact of the newly introduced legal concept of a "victim of prostitution" and wished to know how perpetrators of the exploitation of prostitutes and sex workers were identified, what programmes had been developed to reduce demand and whether exit programmes had been introduced to protect prostitutes from exploitation.

41. With regard to the situation of the former "comfort women", the resolution reached in the 2015 bilateral agreement between the State party and Japan did not seem "final and irreversible", as had been claimed. Indeed, it did not constitute a victim-centred approach and denied victims' rights to truth, justice and reparation. In that connection, she wondered what efforts had been made to improve the situation of the surviving "comfort women" and ensure that they were respected in society and what measures were planned to support those women and the families of deceased victims.

42. **Ms. Chung** Hyun-back (Republic of Korea) said that that the #MeToo movement had gathered speed in the Republic of Korea. Misogyny and violence against women existed in many countries and were connected to high youth unemployment rates and other factors. The President took a strong personal interest in the matter. Measures had been taken to combat cybersex offences. For example, counselling programmes had been introduced for victims, a programme to remove offending content from the Internet had been launched, and victims were offered medical assistance. The Ministry subsidized the substantial cost of removing sexually violent content from the Internet until that cost could be recovered from the offender. Victims enjoyed free legal aid in the event of litigation. There was a need to raise awareness of sexual violence on the Internet and to strengthen the existing legal framework with a view to bringing a larger number of perpetrators to justice.

43. **Ms. Lee** Yun-a (Republic of Korea) said that, in 2018, the Government would promote various policies to tackle cyber violence against women and girls, including policies to support the victims of such crimes. A bill on victims' right to redress was currently under review. It was important to introduce measures not only to respond to

content that had already been circulated, but also to prevent its circulation in the first place. The Government had developed awareness-raising materials to transform public attitudes towards online sexual violence. The issue had been incorporated into the curriculum used to train public officials on sexual violence.

44. **Mr. Choi** Dong Won (Republic of Korea) said that rape was a specific offence in the Criminal Code. In 2013, the Supreme Court had ruled that it was possible for a woman to be the victim of a rape by her legal husband, noting that there was no legislative provision that explicitly excluded rape in such cases. Although Supreme Court rulings did not set binding precedents, they nevertheless served an important function. Marital rape had recently been recognized in a number of other rulings.

45. **Ms. Choi** Hye-min (Republic of Korea) said that, according to the results of a recent fact-finding survey conducted by the National Human Rights Commission of Korea, 85 per cent of women in the Republic of Korea had experienced misogyny online. The Korea Communications Standards Commission monitored the web and could request the removal of discriminatory or prejudicial content. In order to eradicate misogyny, it would be necessary to foster a culture of gender equality. To that end, the Government planned to strengthen the gender equality training provided for teachers, as had been provided for in the Second Basic Plan for Gender Equality Policy. Further research would be carried out to improve the response mounted against the phenomenon.

46. **Ms. Chung** Hyun-back (Republic of Korea) said that the Republic of Korea had a gender equality task force whose members included experts drawn from a range of sectors. Following several rounds of meetings, it had decided to focus its efforts on the education and media sectors.

47. **Ms. Lee** Yun-a (Republic of Korea) said that women who defected from the Democratic People's Republic of Korea faced a heightened risk of domestic and sexual violence, and current efforts to mitigate that risk were inadequate. At dedicated centres in the Republic of Korea, victims had access to psychological therapy and counselling services, including both professional counselling and peer counselling.

48. **Mr. Kwon** Hyeok Yong (Republic of Korea) said that the penalties applicable for domestic violence were set out in the Criminal Code and relevant laws. The decision to mandate police officers to provide an on-site response to domestic violence incidents had led to an increase in the number of recorded cases. Men had been the perpetrators in nearly 80 per cent of the 45,206 cases recorded in 2017. Existing legislation provided for stringent penalties for offenders and protection measures for victims, particularly in cases in which recidivism was a concern. Less serious cases could be handled as home protection cases. There was a provision to ensure that victims were heard, and they also had the option of suing the offender for damages.

49. **Ms. Chung** Hyun-back (Republic of Korea) she said that the recent increase in the number of cases of domestic violence was due to the increased police response rate and to a greater social awareness of the crime. With regard to the 2015 bilateral agreement signed between Japan and the Republic of Korea, the President had made clear that the disagreement between the two countries did not concern the decision to adopt a victim-centred approach. The victims would continue to be consulted on any issues that concerned them.

50. **Mr. Kwon** Hyeok Yong (Republic of Korea) said that the Government had introduced a set of indicators to facilitate the identification of victims of trafficking during investigations and court proceedings. Police officers were trained to identify victims. A round table on trafficking had been organized to support prosecutors and police officers at the local level.

51. **Mr. Choi** Dong Won (Republic of Korea) said that, in certain cases of domestic violence, the offender was spared prosecution in exchange for accepting counselling. The aim of that approach was to reduce the rate of recidivism. There was a three-strike policy to ensure that repeat offenders received more stringent penalties, and the prosecuting authorities sought custodial sentences in cases in which a deadly weapon had been used. In 2013, the provisions that had rendered sexual offences indictable only if a complaint was

lodged had been abolished, and the police now worked to identify victims who had yet to come forward. Awareness-raising activities had been conducted to encourage victims of domestic violence and sexual assault to come forward. In addition, specialized officials were being mobilized, training was being developed, and victim protection measures were being enhanced.

52. **Ms. Manalo** said that it was important, even in countries where female genital mutilation was not perceived as a problem, to have prevention programmes in place, as the practice was spreading throughout the world. She wished to know whether the State party had such a programme and whether there had been any reported cases of female genital mutilation in the country.

53. **Ms. Halperin-Kaddari** said that cyber violence against women and girls posed a difficult challenge and asked whether the Government was considering introducing harsher penalties for service providers that provided a platform for such sexual violence. Simply deleting violent online material did not resolve the problem: it was necessary to focus on punishing those who hosted or redistributed such material.

54. She also wished to know whether persons who violated restraining or protection orders were subject to not only to administrative fines but also criminal penalties. Noting that victims of sexual violence had been sued for defamation or for making false complaints, she wondered whether such persons were entitled to free legal aid to mount a legal defence. With regard to domestic violence, what protections were afforded to same-sex couples? She would also appreciate details of the protections and care provided to women victims of violence who had defected from the Democratic People's Republic of Korea.

55. **Ms. Chung** Hyun-back (Republic of Korea) said that the Government was committed to tackling sexual offences against women and girls on the Internet, including by deleting online material and preventing its redistribution. She agreed that prevention measures were essential and noted that recently passed legislation was aimed at dealing with perpetrators of such offences.

56. No cases of female genital mutilation had been reported in the Republic of Korea, although it was possible that the problem could potentially affect migrant women. As there were no indications that the practice existed in her country, no specific programmes had been developed to combat it. Measures to protect and support women victims of domestic and sexual violence focused on preventing their becoming victims a second time as a result of coming forward. With regard to possible defamation suits against victims, her delegation would provide further information on the measures being taken by the Government to address the problem in writing.

57. On the issue of refugee women from the Democratic People's Republic of Korea, she noted that the Government sought to provide an effective response to the problem of sexual and domestic violence. For example, it offered men and women courses on gender equality and violence prevention. Further information could be provided to the Committee in writing.

58. **Ms. Lee** Yun-a (Republic of Korea) said that migrant women from the Democratic People's Republic of Korea who had suffered sexual violence were offered support, including counselling. Measures to combat cyber violence included regular monitoring of platforms and strengthened cross-border cooperation to prevent the circulation of obscene materials. Victims of sexual violence facing defamation lawsuits or accusations of false claims had access to free legal aid.

59. **Mr. Kwon** Hyeok Yong (Republic of Korea) said that administrative fines were currently the only penalties that could be imposed on persons who violated restraining orders. However, work was under way on a legislative bill to allow for the immediate arrest of such persons.

60. The national police force was actively involved in tackling online sexual offences, including through strengthened cross-border cooperation. It sought to crack down on websites and social media services that hosted sexually violent material and focused in

particular on punishing persons who disseminated such material for profit and without the consent of the victims.

Articles 7 to 9

61. **Ms. Nadaraia** said that the slow rate of progress with regard to women's participation was a source of concern. The Republic of Korea was among the lowest-ranking countries of the Organization for Economic Cooperation and Development in terms of women in managerial positions. Women made up less than 20 per cent of parliamentarians; their representation in local government was even lower. During the period 2013–2017, only 6 out of 19 government ministers had been women. It would be interesting to know why women were not adequately represented in national and local elections, in spite of existing legislation on quotas, electoral funding and political parties that sought to promote gender equality. What sanctions existed to punish infringements of those provisions?

62. The National Police Agency had failed to increase its intake of female students and the vast majority of women in the police force were junior ranking officers. In the education sector, although over half of teachers were female, the existence of a glass ceiling was reflected in the low number of women principals. The gender gap was even greater at university level: women's share of faculty posts at public universities stood at just under 15 per cent. What plans did the Government have to address the gender imbalance in the education sector and promote the appointment of women to senior posts?

63. It appeared that social progress had failed to keep pace with the country's economic development and that a glass ceiling still prevented women's full participation in society. She invited the delegation to provide information on policy measures to foster women's leadership in the public sector and to attract more women into the diplomatic service.

64. **Ms. Hayashi** said that alternative sources indicated that the Republic of Korea had no universal compulsory birth registration system. As a result, children born in the Republic of Korea to foreign parents faced the risk of statelessness. The problem had a disproportionate impact on female migrants: if their children were not registered, it was difficult to obtain identity documents for them. The issue had been raised during the universal periodic review in 2017. What steps had been taken since then to adopt and implement legislation and procedures to ensure that all children born in the Republic of Korea were registered?

65. A related issue was the naturalization of foreign women married to Korean nationals. In principle, they were entitled to apply for citizenship after two years. Nevertheless, the process was extremely lengthy and it appeared that, although the requirement for a letter of sponsorship from the Korean spouse had been withdrawn, it was still enforced in practice. She would be interested to know what steps the Government planned to take to amend existing provisions and procedures relating to naturalization to minimize the negative impact on that group of women.

66. **Ms. Chung** Hyun-back (Republic of Korea) said that the level of women's representation in the public sector was a concern and that traditional cultural attitudes contributed to the existence of a glass ceiling for women. The Government had developed a plan of action to enhance women's representation in the public sector, including through annual, sectoral targets and measures to ensure compliance and monitor implementation.

67. **Ms. Kim** Hye Jin (Republic of Korea) said that the Ministry of Foreign Affairs was actively working to create a pool of female managers and planned over a period of five years to appoint more women managers and senior officials. To that end, a new human resources performance evaluation system would be introduced to offer promotion opportunities to high performing women and encourage their advancement to senior positions, including heads of missions.

68. **Ms. Seo** Eun Hee (Republic of Korea) said that the Government planned to increase the proportion of women school principals to just over 40 per cent by 2022. Measures were being taken to improve the gender balance among faculty members at State universities, including through the use of incentives for institutions that performed well and consulting

services for poorly performing universities. Their performance would be evaluated using an established set of indicators.

69. In the public sector, a system to monitor institutional performance in the field of gender equality had also been established, with credits available to agencies and institutions that met the relevant targets. Plans to further improve women's participation included the introduction of quotas for appointments to senior positions and measures to promote women to leadership positions in government ministries.

70. **Mr. Lee** Jeong-yeon (Republic of Korea) said that the recruitment and promotion of principals in primary and secondary schools was managed by separate authorities. However, the Government planned to work together with those bodies to increase women's representation.

71. **Mr. Kwon** Hyeok Yong (Republic of Korea) said that the number of women joining the police force had risen in recent years and that measures were being taken to increase their representation to 15 per cent. Furthermore, the authorities were considering moving away from a segregated recruitment model and planned to offer more opportunities for promotion to women in the police force.

72. **Mr. Yun** Byung Seung (Republic of Korea) said that, although the Republic of Korea had a birth registration system for Korean nationals, no separate system existed for foreigners. A bill to establish such a system had been defeated in the parliament. The Government was currently working to build the necessary social consensus on that issue.

73. Given the large number of applications and the various checks and assessments involved, the naturalization process was indeed lengthy. However, the Government was working on expediting the processing of applications from married migrant women, with an optimal target of six months. Migrant women married to Korean nationals residing in the country did not need to obtain a certificate of good character when applying to extend their stay. However, given the growing number of marriages between Korean nationals and foreigners and the need to prevent and address any human rights violations relating to such marriages, the onus had been placed on the Korean spouse to demonstrate the stability of the marriage. Since 2011, background information, including criminal and health records, were submitted to the relevant authorities and a certificate of good character had to be provided by the spouse who was a Korean national.

74. **Ms. Lee** Jeong-yeon (Republic of Korea) said that the Government ensured the right to education of migrant children, including undocumented migrants, as long they could prove that they were living in the Republic of Korea. Teachers were not obliged to report undocumented pupils to the authorities and all children had access to health and counselling services. Measures were planned to raise awareness of the need to protect migrant children.

75. **Ms. Chung** Hyun-back (Republic of Korea) said that humanitarian support was provided to migrant women, including undocumented migrants. The Government was engaged in compiling comprehensive data broken down by gender, including on domestic and sexual violence, with a view to preventing the further victimization of women.

76. **Ms. Hayashi** said that she would be interested to know whether the Government planned to introduce a compulsory birth registration system for all children.

77. **Mr. Yun** Byung Seung (Republic of Korea) said that the issue could not be resolved without the consensus and support of society. Indeed, a bill on birth registration had been defeated in the National Assembly. To that end, the Government was engaged in dialogue with all relevant stakeholders and would move forward with plans to introduce birth registration for undocumented children once consensus had been achieved.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1577

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
28 February 2018

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1577th meeting
Held at the Palais des Nations, Geneva, on Thursday, 22 February 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of the Republic of Korea (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of the Republic of Korea (*continued*) (CEDAW/C/KOR/8 and CEDAW/C/KOR/8/Add.1)

1. *At the invitation of the Chair, the delegation of the Republic of Korea took places at the Committee table.*

Articles 10 to 14

2. **Ms. Hayashi** said that, unfortunately, the Republic of Korea and her own country, Japan, regularly vied for the worst rating on the annual ranking carried out by the World Economic Forum (WEF) of gender gap indicators among the Group of 20 countries. Both Japan and the Republic of Korea ranked very low, even on worldwide gender equity ratings. While they had high literacy rates and placed a great deal of priority on education, their efforts to ensure gender equity ran up against social and cultural obstacles and a tradition of male dominance. The periodic report mentioned various steps taken to enhance the status of women in the country, but outcomes had been insufficient. Was the Government considering the implementation of more aggressive temporary special measures, such as quotas for educational programmes or targeted financial assistance for female students studying in non-traditional areas? While the delegation had mentioned some affirmative action programmes, the Committee would appreciate it if it could present time frames for achieving specific objectives.

3. The State party had developed guidelines to assist teachers in combating gender stereotyping in class content and curricula. It would be useful to the Committee to find out if any assessment had been carried out of the implementation of the guidelines and to hear about specific feedback from teachers. She would appreciate it if the delegation could report on any visible changes resulting from the use of such tools. At the postgraduate level, while the university entrance rate for women had surpassed that of men, a report from WEF had identified a substantial gender gap in tertiary education. The delegation was thus invited to provide statistics on the gender breakdown of students at levels above the first university degree.

4. Gender equality and sex education had not been formally integrated into the regular school curricula, despite the adoption in 2013 of legal provisions in that sense. The current sex education programme evidently dealt only with women's sexual and reproductive health, and only in very limited terms. Sexual and reproductive health rights had been interpreted in a narrow sense, relating only to pregnancy, childbirth and maternal health. A national standard for sex education, introduced by the Ministry of Education in 2015, reportedly only strengthened prejudice and gender stereotypes that were prejudicial to women and sexual minorities. What measures did the State party intend to take to enhance the quality of sex education in schools?

5. **Mr. Bergby** said that the gender wage gap, which had been the highest among the countries of the Organization for Economic Cooperation and Development (OECD) for some 15 years, was a source of concern. Women's careers were often adversely affected by breaks for childbirth and child-rearing. Some 40 per cent of women workers were engaged in low-wage, irregular employment, with little job security. Women workers were often excluded from social benefits such as social security, employment insurance, maternity leave and childcare leave. The Government reportedly intended to adopt a strategic plan for the conversion of precarious forms of employment to a more regular status. Had any activities been carried out and, if so, with what results? The Committee had received information according to which some 70 per cent of workers who were employed less than 15 hours per week were women. Owing to their status, they were excluded from social security insurance and labour law protection. Were there any plans to revise the labour law to extend coverage to such workers? He had also heard that the Government intended to distribute standard wage level guidelines for major job categories in the public sector so as to promote the spirit of equal pay for work of equal value. The Committee would like to

know the status of that initiative and to find out whether it would include a comparison of remuneration levels for jobs typically occupied respectively by men and women. Was the Government considering expanding the guidelines to cover the private sector? Noting that the guidelines were merely advisory, he asked whether there was any intention to make them mandatory in the public sector.

6. According to the information provided by the State party, the sixth framework plan for equal employment would include measures to bridge the wage gap. He invited the delegation to provide more specific information on such measures and on their expected outcomes. According to the periodic report, employees who considered that they had been victims of violations of the principle of equal pay for work of equal value were able to file petitions with the Ministry of Employment and Labour, which investigated such cases and could require their companies to take corrective action. The State party reported that in 2016 the Ministry had examined just 10 cases. The Committee would be interested to find out how many cases had initially been brought to its attention. Had the Government referred cases for legal proceedings when companies refused to take remedial action, and, if so, were resources available, including legal aid, to ensure that victims had access to justice?

7. The Committee had received reports of high levels of discrimination against women workers. In certain companies, female workers were employed in separate job categories from male workers performing the same tasks and received less remuneration. There had also been reports that large national companies had intentionally eliminated women applicants during their recruitment procedures. Were the regulations in the Equal Employment Act sufficient to prevent such direct discrimination? Did victims of discrimination have access to justice, and was free legal aid available to them?

8. The Ministry of Gender Equality and Family had reported that the number of companies and organizations inspected for alleged discriminatory employment practices had fallen from 920 in 2013 to just over 500 in 2016. Was there a reason for the substantial reduction in the number of inspections? The Government had, in the information submitted to the Committee, cited career interruption related to childbirth and childcare as a major reason for the gender pay gap, and it had stated that time flexibility in employment had thus been promoted to support a work-family balance. In a survey, women who had interrupted their careers had cited low wages, long working hours and termination of contracts as factors that convinced them to stop working. The introduction of re-employment centres for the reintegration into the labour market of women who had left the workforce was a positive development, but such steps should not be used to maintain a system based on career interruptions. It would be preferable to prevent career interruptions altogether. What steps were planned in that sense?

9. Sexual harassment impacted heavily on the employment and promotion opportunities of women. The Committee had received reports that half of female workers had experienced some form of sexual harassment in the workplace, and 40 per cent of respondents said that they would not report harassment out of fear of adverse consequences. The Ministry of Employment and Labour had received over 2,100 reports of sexual harassment between 2012 and 2016 and had sent all cases to the prosecution authority, yet only nine cases had been prosecuted. Why was there such a large discrepancy? The Government intended to make it mandatory for employers with more than a certain number of employees to establish procedures to prevent and remedy sexual harassment. Was there a time frame for adopting that measure? How many employees must an employer have for it to be subject to that rule?

10. **Ms. Hofmeister** said that the fertility rate in the State party was perhaps the lowest in the world, and, despite the Government's past efforts, there was still clearly a serious shortage of births. The fact that abortion was still criminalized in the State party placed an immense burden on women, who had to assume full responsibility for sexual reproduction. Legalizing abortion in the event of rape, incest, threats to the life or health of the pregnant woman or serious fetal impairment would help the situation, and the Committee had long ago recommended the decriminalization of all other cases of abortion as well. What obstacles kept the State party from acting on those recommendations? What prevented the State from improving the living and working conditions of young parents? The Committee

would like to receive information about cross-border abortions and data on the mortality rate resulting from unsafe abortion.

11. The Committee was in the process of preparing a general recommendation on gender-related dimensions of disaster risk reduction in the context of climate change. The State party's reliance on coal-fired power plants would clearly produce air pollution and increase mortality rates, and not only in the State party; the export of such technology to developing countries would have an extremely negative environmental impact for generations to come, with especially harmful effects on pregnant women and their children. What did the State party intend to do to revise its energy policy for the benefit of such women and children?

12. **Ms. Chung** Hyun-back (Republic of Korea) said that the reasons for her country's low ranking on the lists produced annually by WEF were mainly the wage gap and the lack of women in high-ranking positions. The new Government was focusing on enhancing the proportion of women in senior-level posts, and she was confident that changes would occur before the consideration of the next periodic report. Eliminating the wage gap was a challenging task that would require addressing the situation of staff at private companies. The fact that the number of female students entering university had surpassed the number of men had unfortunately not yet had an impact on society. Sex education was provided by health teachers, and the authorities were making efforts to incorporate the gender perspective in school programmes.

13. **Ms. Kim** Jieun (Republic of Korea) said that the gender wage gap, though still much larger than in other countries, had decreased from nearly 40 per cent to about 35 per cent in 2016. Women were engaged in jobs that were of low quality owing in large part to career interruptions for childbirth and child-rearing. The Government was continuing to monitor wage discrimination and planned to institute a corporate salary disclosure system that would make differences in pay more transparent. To prevent the interruption of women's careers and promote a healthy work-life balance, there were plans to increase childcare support and to provide for flexible working times and assistance for women wishing to return to the workforce after a hiatus. The number of posts subject to affirmative action would also increase, in order to increase the number of women in high-ranking positions. A wage practice guideline and a manual on the principle of equal pay for work of equal value had recently been drawn up.

14. **Ms. Chung** Hyun-back (Republic of Korea) said that the Government was currently considering plans to expand affirmative action so that it would extend to small enterprises with fewer than five employees.

15. **Mr. Lee** Kyusung (Republic of Korea) said that in 2015 the school curriculum had been changed to incorporate gender equality as a principle to be taught in social studies, ethics classes and other relevant subjects. The 2015 curriculum was already being applied to about one third of classes at the primary and secondary levels and would be applicable to all classes by 2020. New textbooks would be introduced in order to remove gender-based stereotypes, and, in future, textbook monitoring groups would keep track of any possible gender discrimination and would be able to recommend improvements. Teachers were given gender equality training as part of their continuous learning programme.

16. The primary and secondary curricula, and also various laws, called for the provision of sex education at schools in order to inculcate sound values and attitudes about sexuality among students and establish their sense of responsibility. The national sex education curriculum had been drawn up on the basis of consultation with various groups and experts and provided age-appropriate instruction. At least 15 hours of sex education must be provided to students annually through health, social studies and other relevant classes.

17. In 2017, some 250,000 students had been enrolled in post-graduate university programmes, including 130,000 women, with 30,000 of them taking doctorate-level courses.

18. The Ministry of Education understood the need to assist students from underprivileged rural areas who wished to attend university. A special university admissions system had been established in 1996 to provide them with such opportunities. Such students also benefited from financial aid, including scholarships and low-interest

student loans. In granting such aid, the authorities would ensure fairness and equality in applying the selection criteria to make sure that there would be no gender discrimination.

19. Teacher training institutions incorporated gender equality themes into their general programmes and curricula, and teachers who required specialized knowledge, for example those who would teach gender equality, were given specific gender-focused skill enhancement and work training.

20. **Ms. Kim** Jieun (Republic of Korea) said that the employment and labour authorities had adopted a five-year policy aimed at preventing the use of non-regular employment and ensuring that workplaces were free from discrimination. The policy advocated the principle of hiring regular workers on permanent, continuous contracts when they were involved in work directly related to the preservation of life or maintenance of safety. It also called for a realignment of the system dealing with discrimination with a view to preventing the abuse of non-regular employment and improving labour market structures.

21. For female workers without regular contracts, the policy was aimed at ensuring the right to take maternity benefits and childcare leave by streamlining application procedures. A revision of the Employment Insurance Act was currently under way to ensure that female workers on fixed-term contracts would continue to receive full maternity benefits even if their contracts lapsed during the period of maternity leave. The Government had in July 2017 adopted guidelines for the conversion of non-regular contracts into regular contracts in the public sector. There were some 2.7 million public sector workers, nearly 20 per cent of whom did not have regular contracts. The measure in question would gradually grant such workers regular employment contracts over the next few years.

22. The reason for the low rate of prosecution of sexual harassment cases was that those accused of harassment, such as employers, were subject to criminal prosecution only if it could be proven that their actions caused harm to the victim or employee. Most cases did not meet that criterion and were resolved with the payment of a fine.

23. **Ms. Kim** Jieun (Republic of Korea) said that, in accordance with the Equal Employment Opportunity and Work-Family Balance Assistance Act, workplaces were required to provide training on the prevention of sexual harassment at least once a year. As workplaces devised their own training programmes, the Government did not have statistics on the content or frequency of such programmes. Companies were required to display printed materials related to the training programmes in a location where employees could freely read them. Any company that failed to provide training would be fined and subjected to corrective actions.

24. **Ms. Choi** Hye-min (Republic of Korea) said that a family-friendly certification scheme had been established to encourage companies to develop their own systems for improving the work-life balance of their employees. The scheme placed particular emphasis on small and medium-sized enterprises and would be further expanded to increase support for such companies. As policies based on the assumption that women's careers would be interrupted were too narrow, the Government intended to eliminate structural gender discrimination in the labour market to prevent women's careers from being interrupted in the first place.

25. **Ms. Seo** Eun Hee (Republic of Korea) said that efforts were being made to create a family-friendly working environment in the public sector. The bill for the amendment of legislation on public officials contained provisions that would enable women to reduce their working day by two hours. Childcare leave for spouses had been extended from 5 to 10 days and additional childcare leave could be taken by spouses with children under the age of 5. The grounds on which childcare leave could be taken by employees had been extended to include hospital visits, and employees with more than three children could obtain up to three days' leave in certain situations.

26. **Mr. Lim** Hee Ju (Republic of Korea) said that the Government was making efforts to compile information on the factors behind the low fertility rate. In accordance with the national policy drawn up to tackle the issue, child subsidies would be introduced and the number of State-run childcare centres would be increased. The committee responsible for addressing population decline had been restructured and strengthened.

27. **Ms. Chung** Hyun-back (Republic of Korea) said that the problem of the low fertility rate would never be resolved unless women had access to high-quality employment, which would be possible only when a culture of gender equality had been established.

28. **Ms. Choi** Hye-min (Republic of Korea) said that it was necessary to create an environment in which women could give birth rather than having an abortion. In 2018, a fact-finding survey on abortion would be carried out to shed light on the current situation. State-run education programmes on contraception would be delivered to adolescents and pilot counselling programmes at specialized institutions would be established. The Constitutional Court was currently reviewing a complaint related to the decriminalization of abortion.

29. **Ms. Park** Eun Young (Republic of Korea) said that women who had been unfairly treated in the workplace could make use of the complaints mechanism provided by the Ministry of Employment and Labour free of charge. Korean and foreign women who were experiencing financial difficulties could apply for the free legal counselling made available by the Ministry of Justice. When certain requirements were met, women could be provided with a lawyer to represent them in court. A project to provide free legal aid to victims of domestic violence and single-parent families was in operation and a State-run system to provide counsel for victims of sexual violence and child abuse had been established. Recipients of basic income support and persons with disabilities were also provided with free legal counselling. Plans were in place to provide legal counselling to persons living in remote areas who had no direct access to a lawyer.

30. **Ms. Lee** Yun-a (Republic of Korea) said that measures to prevent sexual harassment had been taken by the Ministry of Employment and Labour and the Ministry of Gender Equality and Family. Public organizations were required to provide education on sexual harassment to their employees and to appoint counsellors and complaints officers. The implementation of measures to prevent sexual harassment was monitored and follow-up measures were also taken. In order to raise awareness of sexual harassment and protect victims against attempts by organizations to cover up offences, policies on the prevention of sexual harassment in the public sector were currently being strengthened.

31. **Ms. Kim** Jieun (Republic of Korea) said that all persons earning an income, including part-time workers, were required to subscribe to the national pension scheme.

32. **Ms. Manalo** said that the dialogue thus far had not been productive. It would be more helpful if the delegation focused less on statistical data and more on detailing the steps taken by the State party to improve the situation of women in all areas of life.

33. **Ms. Ameline** said that she wished to know what steps were being taken to improve the precarious situation in which some women found themselves given the country's ageing population, increasing levels of social isolation and rising youth unemployment. In particular, it would be interesting to know how many women benefited from the minimum guaranteed income established by the Government. The Committee wished to know whether steps were being taken to make it easier for women, including those in isolated areas, to set up their own businesses and whether training and mentoring was provided to women entrepreneurs. Noting that legislation on the promotion of socially responsible companies had been adopted in 2016, she asked what concrete measures were being taken to promote the establishment of such companies. The Committee would welcome further information on any measures taken to strengthen health-care cooperatives for persons on low incomes.

34. **Ms. Song** Wenyan said that she would appreciate details of government funding for the five-year plans for the development of women working in the agriculture and fishing industries, whether the outcomes of the first plan had been evaluated and, if so, what progress had been achieved by the plan. She asked what percentage of the persons who had benefited from the pension payment support programme in 2014 had been women and what percentage of the women eligible for the programme were actually receiving the benefits available under it.

35. Under the Fisheries Cooperative Act, regional fisheries cooperatives were required to appoint at least one woman director when the proportion of female members reached 30

per cent. Although the percentage of female members of such cooperatives now exceeded that threshold, fewer than 5 per cent of directors were women. In view of that situation, she asked how many directors there were for each cooperative and what measures would be taken to increase the number of women directors. Noting that the same approach had been adopted for the agricultural cooperatives, she wished to know why boards were required to appoint women directors only when the proportion of women members had reached 30 per cent.

36. The Committee would welcome the delegation's comments on the 2015 agreement on sex slavery established by the Governments of the Republic of Korea and Japan and on the Reconciliation and Healing Foundation established by the Government of State party. Given that survivors had expressed strong opposition to both the agreement and the Foundation, she wished to know what approach the Government would now take to those two initiatives.

37. It would be interesting to know what steps would be taken to ensure that lesbian, bisexual, transgender and intersex women could enjoy the rights enshrined in the Convention.

38. Noting that women were disproportionately affected by climate change and the natural disasters caused by it, she asked whether women had been fully consulted about the formulation, implementation and monitoring of policies aimed at mitigating that phenomenon. Lastly, she wished to know how many women there were in the government department responsible for dealing with climate change.

39. **Ms. Manalo**, noting that the State party experienced particularly high levels of atmospheric pollution, which adversely affected women's health and the health of unborn children, said that she wished to know what steps would be taken to protect women against the pollution generated by coal-fired power plants. The Committee would be grateful if the delegation's response included a reference to third countries in which the Government sponsored the construction of such plants.

40. **Ms. Choi** Hye-min (Republic of Korea) said that the department responsible for small and medium-sized enterprises served to support women entrepreneurs and promote entrepreneurship among women. A centre had been established to support women starting their own businesses and an expert had been appointed to provide guidance to future entrepreneurs. An entrepreneurship competition had been established to identify promising opportunities and mentors at employment centres had been made available to provide advice to women entrepreneurs. Gender impact analyses would be conducted to analyse the obstacles that prevented women from starting and joining socially responsible companies. The Ministry of Gender Equality and Family had established a programme to strengthen support for women entrepreneurs, particularly through online channels.

41. **Ms. Lee** Jeong-yeon (Republic of Korea) said that, under the plans for the development of women working in the agriculture and fishing industries, the support and benefits available to such women had been increased.

42. **Ms. Jeung** Eun (Republic of Korea) said that the second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security was being drafted. One of the key concerns of the plan was to train disaster-management officers in measures to ensure safety for women. In 2016, a gender impact analysis of disaster-management policy had been conducted and research had been carried out into the development of safety education manuals for women faced with different types of disaster. The results of that research had been distributed to the relevant organizations.

43. In September 2017, the Government had launched a comprehensive series of measures to combat fine-dust pollution. By 2020, the quantity of such particles produced in Korea was expected to have been cut by 30 per cent. Regions that were particularly affected by fine dust particles would be designated as dust-free zones in order to ensure the health and safety of women and children.

44. **Ms. Lee** Gun-jeong (Republic of Korea) said that although the Republic of Korea had ranked 118 out of 144 countries in the most recent edition of the World Economic Forum's Global Gender Gap Index, it had come in tenth place in the Gender Inequality

Index of the United Nations Development Programme. To understand where the problems lay, the authorities had calculated their own gender equality index, the results of which were released annually. Index inputs included information on women's participation in society, social attitudes and women's welfare. The index was calculated not only for the country as a whole but also for its administrative divisions. Progress towards gender equality, as measured by the index, had been made. Women's workforce participation rates were still low, however, and wage gaps remained large.

45. **Ms. Choi** Hye-min (Republic of Korea) said that it was against the law in the Republic of Korea to discriminate against anyone on the basis of her or her status as a member of a sexual minority. The National Human Rights Commission of Korea was currently conducting a survey that would shed light on the discrimination faced by the members of such groups. It would make recommendations based on the results of the survey.

46. **Mr. Lim** Hee Ju (Republic of Korea) said that there were clinics that provided health care in the country's rural areas. As some such areas lacked maternity clinics, the Government had provided support for the construction of facilities for childbirth.

Articles 15 and 16

47. **Ms. Halperin-Kaddari** said that she wished to know whether divorcing couples were required to participate in the mediation scheme established by the Framework Act on Healthy Families, whether women could opt out of the scheme in the event of domestic violence and, if so, whether opting out would put them at a disadvantage before a judge in divorce court. In the same connection, she wondered whether requiring mediation was not a sign that the aim of the Act was to preserve the family at any cost and whether it afforded sufficient protection to women victims of domestic violence. She also wondered whether divorce or family courts were instructed not to grant fathers parental visitation rights or to grant them the right only to supervised visitation when there was evidence that they had committed acts of domestic violence.

48. The marital property regime in the State party was not in line with the Committee's general recommendation No. 21 on equality in marriage and family relations, and, although property accumulated during a marriage was equally divided when a couple divorced, the law clearly stated that in the absence of an agreement between the divorcing spouses, the courts would consider the relative contributions they had made to the household's wealth. In that connection, she wondered whether steps had been taken to prevent one spouse from concealing assets from another and whether assets such as work-related pension rights and increased earning potential were considered joint marital property.

49. In addition, she asked what measures had been taken to ensure that same-sex couples enjoyed the same economic, social and cultural rights as opposite-sex couples and whether the country had any plans to allow gender-neutral civil unions. She would welcome an answer to her earlier question as to whether the members of same-sex couples were protected under the Act on the Prevention of Domestic Violence and Protection of Victims.

50. **Mr. Choi** Dong Won (Republic of Korea) said that the purpose of the Act was to restore family harmony and stability and protect the rights of the members of the family, and the victims in particular. The rights of the victims, not the unity of the family, were the primary focus in cases of domestic violence.

51. If divorcing spouses were unable to reach an agreement on the division of property, the courts, as had been suggested, examined the circumstances on a case-by-case basis and determined how joint marital property would be divided. There were no explicit provisions for the equal division of marital property, but if one spouse acquired assets as a result of cooperation with his or her spouse, those assets were considered jointly owned. A spouse's contribution to the management of the household was also recognized.

52. **Ms. Chung** Hyun-back (Republic of Korea) said that same-sex partnerships had not been granted legal recognition. Progress on that and other issues was slow but not inexistent.

53. **Ms. Halperin-Kaddari** said that she wished to know how rape was defined in the State party's Criminal Code. In particular, she wondered whether the lack of freely given consent served as the basis for the definition.

54. **Ms. Chung** Hyun-back (Republic of Korea) said that, although responses to domestic violence could in some ways be said to prioritize family unity, the authorities were well aware that families took various forms. Considerable efforts were being made to ensure that women were in a position to be self-reliant. The Government had taken a keen interest in putting in place methods of supporting households led by single mothers, including adolescents. Programmes that enabled adolescent mothers to return to school or receive other forms of training after having given birth would have been unthinkable only a few years earlier. The notion that the Government was intent on protecting the traditional family was misplaced.

55. **Mr. Choi** Dong Won (Republic of Korea) said that rape was defined as a crime that the victim could not prevent.

56. **Ms. Chung** Hyun-back (Republic of Korea) said that the current Government's family policies emphasized ways of helping women, adolescent mothers and women from diverse backgrounds in particular, to help themselves. For example, single mothers went to support centres where they were encouraged to deal with the problems they faced by helping other single mothers deal with theirs. In addition, the Ministry of Gender Equality and Family encouraged locally driven efforts to provide neighbourhood childcare services. The Ministry had also entered into agreements with developers to ensure that newly built apartment complexes had childcare facilities. The increasing availability of childcare would enable more and more single mothers to enter the labour market.

57. **Ms. Manalo** said that she wished to know what percentage of the country's growth was accounted for by entrepreneurship, what percentage of its entrepreneurs were women and, if male entrepreneurs outnumbered female entrepreneurs, what measures had been taken to improve women's capacity to start their own businesses. The State party's emphasis on social consensus, in particular as it related to women's rights, was troubling. Lastly, she asked whether the delegation could indicate a time frame for the establishment of the Gender Equality Committee and describe what steps were being taken to protect provincial human rights mechanisms from the attacks to which they were reportedly subjected.

58. **Ms. Halperin-Kaddari** said that she would appreciate an English translation of the provision of the Criminal Code in which rape was defined.

59. **Ms. Ameline** said that addressing climate change from the perspective of women's rights meant not only ensuring that women were protected from its effects but also involving women in the development of new, more sustainable strategies for growth.

60. **Ms. Song** Wenyan said that she would welcome an answer to her question about the percentage of women directors of cooperatives. The delegation might also address her questions about climate change and so-called comfort women.

61. **Ms. Chung** Hyun-back (Republic of Korea) said that the Government had policies to increase the representation of women — currently at 2.4 per cent — in positions of senior leadership in the public sector. Instituting such policies in the private sector was another matter. Pressure was nonetheless applied. Recognition was given to employers that were deemed friendly to women, for instance, and a number of incentive schemes had been developed.

62. Consultations on the composition and functions of the Gender Equality Committee were ongoing. It would be difficult to forecast a specific time frame for its establishment. She noted the suggestion that the need to build social consensus could slow progress towards the country's implementation of the Convention. Any recommendation the Committee made in that regard would be duly transmitted to the Government.

63. Officials from the Ministry of Gender Equality and Family were taking measures — by meeting with local authorities, for example — to close the gap between the metropolitan area of Seoul and the provinces in respect of women's rights. The translation requested by

Ms. Halperin-Kaddari would be provided in due course. Discussions on how to involve women in new models of economic growth were under way, in particular as the threat of climate change meant that the Republic of Korea, which had once pursued growth at all costs, would have to embrace a new economic paradigm. The Ministry and the Reconciliation and Healing Foundation were working together on commemorative projects related to the sexual enslavement of women by the Japanese military.

64. **Ms. Choi** Hye-min (Republic of Korea) said that women accounted for 31.5 per cent of the members of the country's agricultural cooperatives. They were less well represented, at 6.1 per cent, on the boards of directors of those cooperatives. Women accounted for just under two fifths of the country's entrepreneurs.

65. **Ms. Chung** Hyun-back (Republic of Korea) said that recommendations made by the Committee would inform her Government's efforts to develop policies that would contribute to the country's progress towards the elimination of discrimination against women.

The meeting rose at 5 p.m.

United Nations CEDAW/C/SR.1578

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 March 2018

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1578th meeting
Held at the Palais des Nations, Geneva, on Friday, 23 February 2018, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Fiji

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Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-02877 (E) 270218 020318

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Fiji (CEDAW/C/FJI/5; CEDAW/C/FJI/Q/5 and CEDAW/C/FJI/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Fiji took places at the Committee table.*

2. **Ms. Vuniwaqa** (Fiji), introducing her country's fifth periodic report, said that Fiji had undertaken extensive legal reforms in recent years and the Government had consulted widely on the new Constitution, which had entered into force in 2013. During the country's 2014 general elections, voter turnout had been high, at 84 per cent, demonstrating the electorate's enthusiasm and the effectiveness of civic education programmes. A new electoral system of proportional representation had been introduced, replacing a system that had traditionally favoured men and certain communities, and was proving conducive to women's increased representation in parliament. Indeed, more women than ever had stood as candidates in 2014 and, as a result, the proportion of women parliamentarians was now the highest in the country's history, at 14 per cent. More, however, remained to be done, including by working with civil society to challenge the socioeconomic barriers to women's involvement in the electoral process and carrying out training and awareness-raising to encourage the participation of women, new voters and persons with disabilities in the forthcoming 2018 general elections.

3. In preparation for the dialogue with the Committee, government agencies had worked closely with the private sector, civil society and religious organizations, not only gaining the strong sense of data so vital for national efforts to promote gender equality and women's empowerment, but also laying stronger foundations for tackling the barriers to women's advancement, which included the fact that Fiji had one of the highest rates of domestic violence in the world. The Prime Minister had labelled domestic violence statistics as a national shame and had called on all stakeholders to unite in the battle to stamp out such violence. Various measures had already been taken, including the launch of the "Man Up" campaign, aimed at involving men in the national movement to combat violence; a national forum to promote cooperation with religious organizations; and a task force on eliminating violence against women, which had devised a service delivery protocol to ensure the seamless handling of cases of gender-based violence by all relevant stakeholders. Strong partnerships with cultural and religious leaders were now needed to bring about changes in people's mentalities, break down gender stereotypes and challenge the concept of hypermasculinity.

4. The Government of Fiji had recently launched its 5- and 20-year national development plans, which, for the first time, prioritized gender equality through policies to, inter alia, increase women's participation in formal sector employment and at all levels of government and civil society; eliminate violence against women and children through responsive policing and coordinated referral networks; and improve women's access to social services. Related initiatives included a mock women's parliament, aimed at encouraging *potential women leaders to enter the political arena, and programmes* that engaged men as advocates in efforts to eliminate discrimination against women. The national machinery for the advancement of women had also conducted training to raise awareness of gender issues among the civil service and the armed forces.

5. In 2017, Fiji had become a party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. In education, various measures had been taken as part of the Government's commitment to building a smarter nation. For example, initiatives had been introduced to encourage pregnant schoolgirls to return to and complete their education; identify and re-enrol school dropouts; provide free transport and textbooks to all students; and make early

childhood education a compulsory part of primary education. Schoolbooks were also being reviewed and revised to remove gender stereotypes.

7. In the area of employment, figures from the 2017 national census had revealed that women accounted for just 37 per cent of the labour force, while the proportion of women registered as unemployed was more than double that of men. In that light, a review of national employment policy was being taken with a view to addressing gender disparities.

8. Regarding climate change, the Fijian Government had successfully steered the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in November 2017. The country's efforts on the international stage were complemented by national initiatives to make Fiji a climate-resilient nation. For example, the Fiji Barefoot College was being established as a regional training facility for women, with the aim of complementing poverty alleviation strategies and empowering rural women as agents of change in building a more climate-resilient Fiji. In view of the increasing intensity of cyclones and their subsequent impact on women and children, gender-responsive relocation plans had been drawn up to take account of women's needs.

9. In other areas of life, women were now recognized as heads of households, giving them access to social protection benefits granted previously only to men, and were able to take advantage of a number of initiatives for business start-ups and aspiring entrepreneurs. Rural infrastructure spending was at unprecedented levels and a number of projects had been initiated to improve women's access to health in remote areas. For example, the Ministry for Women, Children and Poverty Alleviation had launched the Rights, Empowerment and Cohesion (REACH) programme, in partnership with the United Nations Development Programme, to take basic services such as social protection, legal aid and birth registration to rural areas. The country's first specialized birthing unit had also been opened, with experienced midwives providing comprehensive maternal health services to a population of more than 70,000 people. Additionally, retired midwives had been mobilized to provide maternal and child health services to disaster-affected countries in the region. While it was clear that great strides were being made in various fields, the Government recognized that enhancing the status of women was a continuous process. It reaffirmed its commitment to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women and would continue to work with all stakeholders to address any barriers to realizing true gender equality in Fiji.

10. **Ms. Haidar**, welcoming the high-level delegation of Fiji, said that the Committee greatly appreciated the role played by Fiji on the international stage, in particular as president of the twenty-third session of the Conference of the Parties. There were, however, gaps when it came to implementing their international commitments at the national level and she looked forward to a constructive dialogue in which those aspects would be discussed.

Articles 1 to 6

11. **Ms. Schulz** said that she wished to know why the State party had yet to fulfil the commitments it had made during the universal periodic review process in 2010 and 2014, which had included recommendations to ratify, among other international human rights instruments, the Optional Protocol to the Convention. While welcoming the fact that section 26 (3) of the Constitution prohibited discrimination on a number of grounds, she found the lack of a definition of discrimination in line with article 1 of the Convention and the absence of comprehensive gender equality legislation regrettable. She urged the Government to work with women's and other civil society organizations to ensure that those deficiencies were swiftly addressed.

12. She was concerned that, under the 2013 Constitution, certain restrictions could be placed on women's enjoyment of their rights and freedoms, some of which were open to overly broad interpretation, and that impunity was granted to public officials who had committed offences, including human rights violations, during the interim military regime of 2006. Moreover, the combined operation of the Constitution, the Public Order Act of 2012 and the Media Industry Development Act of 2010 seemed to effectively limit freedom

of expression, assembly and association, adversely affecting the work of women's organizations in the area of gender equality. She wondered whether the Government had plans to review those constitutional and legislative restrictions to ensure their compatibility with international standards, provide for narrower interpretations, promote healthy public debate and ensure that all perpetrators of human rights violations were brought to justice.

13. According to alternative reports, including from the Human Rights and Anti-Discrimination Commission, lesbian, bisexual and transgender women were not always protected by section 26 (3) of the Constitution. She would like to know how the State party intended to address that situation, and, in particular, whether it would review the Births, Deaths and Marriages Act to enable transgender persons to have their change of gender recognized on their birth certificate. Regarding the Human Rights and Anti-Discrimination Commission, she asked what steps were being taken to ensure its independence, in particular by amending the rules for nominating and removing its members; strengthen its mandate to include gender equality and women's rights; ensure that it had adequate funding, especially for its gender-equality activities; and amend the decree establishing the Commission so as to enable it to receive complaints and challenge the legality of presidential decrees.

14. **Ms. Chand** (Fiji), referring to the commitments made by Fiji during the universal periodic review, said that the Fijian Constitution of 2013 contained a bill of rights that recognized not only political and civil rights but also economic and social rights. The Government had so far acceded to five of the nine core international human rights conventions, and there were plans for the remaining four to be ratified by 2020.

15. Under the Public Order Act, public meetings and demonstrations could be freely held, subject to the necessary permits. Indeed, since 2014, a number of public demonstrations had taken place, some led by women's organizations. Moreover, columns openly critical of the Government had been published in the press, demonstrating that healthy public debate and freedom of expression were alive and well. While the Government recognized that a free and accountable media was essential in a democracy, certain justifiable limitations were exercised to prevent, among other things, incitement to hatred and racist hate speech. Journalists who published material impugning institutions or individuals should be held to account; however, law officials should also ensure that their own actions were in line with the principles of democracy, human rights and proportionality. Moreover, under the Constitution, speech tantamount to war propaganda, insurrection and hate speech was prohibited, limitations that were in step with general recommendation No. 35, of the Committee on the Elimination of Racial Discrimination, on combating racist hate speech and other human rights instruments. The goal was to regulate the media by promoting ethics and accuracy in journalism while balancing the individual right to dignity.

16. Immunity-related constitutional provisions were not a new phenomenon: they had also been written into previous iterations of the Constitution. Moreover, under section 157 of the Constitution, holders of public office were not immune from prosecution for offences such as abuse of office, forgery or corruption. However, in the light of the country's history, immunity provisions were necessary to enable the country to make progress towards a peaceful democracy. That said, some members of the security sector had been prosecuted for acts of rape carried out during the period prior to the country's return to democracy.

17. The Human Rights and Anti-Discrimination Commission was an independent body that reported directly to the Parliament and controlled its own budget. It had responsibility for promoting and protecting human rights in the public and private spheres and had the power to receive and investigate complaints, including by seeking redress from the courts, and to make recommendations on existing and proposed laws. In line with the Constitution, its members were appointed by the President on the advice of the Constitutional Offices Commission.

18. Although the Constitution did not expressly contain a definition of discrimination in line with the Convention, it did recognize and prohibit intersecting forms of discrimination. In particular, section 26 (3) provided that persons must not be unfairly discriminated against, directly or indirectly, on the grounds of, inter alia, gender, sexual orientation or

gender identity and expression. As such, the current approach taken by the Constitution and related laws were deemed to be sufficient.

19. **Ms. Vuniwaqa** (Fiji) said that section 26 (3) of the 2013 Constitution was based on a section of the 1997 Constitution under which discriminatory legislative provisions had successfully been struck down. She was therefore confident that discriminatory provisions could be struck down under the 2013 Constitution, including any provisions of the Births, Deaths and Marriages Registration Act found by the independent judiciary to be discriminatory towards persons who had undergone a sex change.

20. **Ms. Schulz** said that it was unclear whether a calendar had been drawn up for adoption of the Optional Protocol to the Convention by 2020 and asked when it would, in fact, be adopted. She wished to note that immunity provisions often had a deleterious effect on society; that legislation should be drafted so as to exclude the possibility of overly broad interpretations on the part of the authorities; and that comprehensive equality legislation was critical to the promotion of gender equality. She would be grateful if the delegation could comment on the independence of the Human Rights and Anti-Discrimination Commission, in particular the potential conflict of interest created by the fact that its director also served as the chair of the Media Industry Development Authority.

21. Although the Committee recognized that discriminatory provisions could be reviewed in application of section 26 (3) of the Constitution, the incorporation of the definition of discrimination set out in article 1 of the Convention into national law and the adoption of comprehensive gender equality legislation would provide more effective instruments with which to guarantee gender equality. She wondered whether a bill could not be tabled to provide for a review of the Births, Deaths and Marriages Registration Act.

22. With regard to access to justice, it would be helpful to learn what steps would be taken to ensure the transparency of reports prepared by the Legal Aid Commission and other actors in the justice system; what measures were planned to ensure better access to justice for women, in particular those living in poverty; and what would be done to improve gender awareness in the judiciary. In that connection, she wished to draw attention to the Committee's general recommendation No. 33 on women's access to justice.

23. **Ms. Manalo** said that, as the State party's anti-discrimination laws were general in nature, it remained necessary for a law to be adopted to address discrimination against women, girls and lesbian, gay, bisexual and transgender persons specifically. In that connection, she noted that, under the Vienna Convention on the Law of Treaties, a party could not invoke the provisions of its internal law as justification for its failure to perform a treaty.

24. **Ms. Vuniwaqa** (Fiji) said that no time frame had yet been set for the ratification of the Optional Protocol. The United Nations High Commissioner for Human Rights had recently recognized the Government's commitment to ratifying the nine major United Nations human rights treaties within the time frame set by the country's senior legal adviser. The mechanism currently in place at the national level was sufficiently robust to deal with cases of discrimination against women until the Optional Protocol was ratified.

25. The provisions governing corroboration in rape cases had recently been struck down as discriminatory. In addition, the courts had recently annulled two forced marriages. Those achievements notwithstanding, her delegation would relay the Committee's concerns regarding the inconsistency of the existing legislative framework with the Convention and the fact that the director of the Human Rights and Anti-Discrimination Commission was the chair of the Media Industry Development Authority. The United Nations High Commissioner for Human Rights had already highlighted structural flaws in the Human Rights and Anti-Discrimination Commission.

26. **Ms. Haidar** said that she wished to know the current proportion of the national budget allocated to the Ministry for Women, Children and Poverty Alleviation; how the Ministry related to other Government ministries; and to what extent it was able to monitor and enforce the implementation of gender policy initiatives. It seemed that civil society organizations were required to register and to obtain permits prior to working with the

Government. In that connection, she wondered what measures had been taken to ensure that no NGOs were excluded Government-NGO cooperation initiatives.

27. **Ms. Narain** said that the Committee would urge the State party to reconsider its position regarding temporary special measures, as such measures made it possible to accelerate de facto inequality between men and women and served to redress the balance in favour of women, pending removal of the various barriers that they faced and achievement of the objectives of equality of opportunity and treatment. She wished to know whether women had ever been duly identified as a disadvantaged group requiring affirmative action and, if they had, would appreciate examples of programmes in place to redress the balance in their favour. In her view, *R v. Oakes*, a case of the Supreme Court of Canada that had been cited in the State party report, was an inappropriate basis on which to establish the constitutionality of affirmative action. She wished to know whether consideration would be given to the possibility of expressly providing for affirmative action in national law and whether any form of affirmative action was planned with a view to increasing the participation of women in the forthcoming general elections.

28. **Ms. Vuniwaqa** (Fiji) said that, although the budget allocated to the Ministry for Women, Children and Poverty Alleviation made up a relatively small proportion of the national budget, the total value of the resources set aside to fund projects that empowered women and advanced their rights was much greater. Even improvements to the country's basic infrastructure, such as the construction of roads to rural villages, had an enormous impact on women's lives. Over the period 2014–2017, the Legal Aid Commission had represented more women than men. Under the REACH programme, which was coordinated by the United Nations Development Programme and funded by the Government of Japan, the Ministry provided legal services in areas in which the Legal Aid Commission had no representation.

29. The Government recognized the importance of strengthening cooperation with NGOs, as they played a critical role in empowering women. It was not the case that NGOs had to obtain a permit in order to work with the Government. The Government was currently working with the Fiji Women's Crisis Centre and was embarking on a partnership with Soroptimist International, but neither organization had been required to register beforehand. Generally, the Government took the first step in approaching NGOs with which it sought to cooperate.

30. The Government and civil society had been working to increase the political representation of women. Temporary special measures were a last resort, and the country would first attempt to remove the barriers that prevented women from participating in the political process. One of the Government's principal objectives was to encourage political parties to include more women on their candidate lists. It was likely that, under the new electoral system, a greater number of female candidates would result in a greater number of elected female representatives.

31. **Ms. Haidar** said that the position of the Ministry for Women in the broader machinery of Government remained unclear. Although she recognized that the State party had introduced a form of gender mainstreaming, she wondered how the process could be monitored in order to ensure that resources earmarked for women reached their intended beneficiaries. It seemed that a gender perspective had not been mainstreamed in the assessment made following Tropical Cyclone Winston.

32. **Ms. Vuniwaqa** (Fiji) said that Government ministries had gender focal points, who reported to the Ministry for Women, Children and Poverty Alleviation on the implementation of gender mainstreaming. The process of preparing the report under consideration had drawn attention to deficiencies in the data-collection practices of certain ministries, but the correction of those deficiencies, in particular the decision to begin collecting gender-disaggregated data, would improve the implementation of gender mainstreaming.

33. **Mr. Koroivueta** (Fiji) said that, following Tropical Cyclone Winston, the evacuation centres had alerted the authorities to the risk of violence against women and girls. The Ministry for Women chaired the Safety and Protection Cluster, which oversaw the safety and protection of women, children, persons with disabilities and older persons.

One of the outcomes of its work had been a code of conduct for humanitarian workers. The Cluster had prepared a service delivery protocol aimed at ensuring that the response to natural disasters was gender-sensitive and that women were adequately represented at both the planning and response phases.

34. **Ms. Manalo** said that she wished to know how the Government encouraged NGOs that were not members of the Fiji Women's Federation to assist in the implementation of the Convention and whether the Government was prepared to fund NGOs, in particular those that did not belong to a federation, with a view to facilitating their participation in that process. She would appreciate clarification regarding the Government's current system for initiating cooperation with NGOs.

35. **Ms. Vuniwaqa** (Fiji) said that NGOs played a critical role in the implementation of the Fiji national gender policy. It had been suggested that the Ministry for Women, Children and Poverty Alleviation could host an event for all NGOs at which a plan for future collaboration could be drawn up and the Committee's concluding observations on the report under consideration could be discussed. In 2017, a similar meeting had been held for religious organizations.

36. In the past, women's NGOs had been selected to receive Government funding on an ad hoc basis. In one case, an NGO had been funded to equip single mothers with the skills needed to earn a livelihood. In another, the Government had provided the equipment for a provincial training centre operated by various NGOs and set up with funding from the Government of Japan. The Ministry would request the Government to include provision for additional funding for women's NGOs in the forthcoming budget, as had been done in the past for NGOs working to protect the rights of children, older persons and persons with disabilities.

37. **Ms. Rana** asked what specific steps had been taken, or were planned, to combat deeply rooted patriarchal cultural and religious norms, which gave rise to gender stereotypes and led ultimately to discrimination against women, including, in particular, what measures had been adopted to ensure that traditional apologies such as *bulubulu* (reconciliation and forgiveness ceremony) were never accepted as mitigating circumstances in domestic violence cases. She also wished to know whether an impact analysis had been conducted of the Government's various training and awareness-raising programmes to combat gender-based discrimination and violence; what further measures were planned; and whether sex-disaggregated data were available. Specific details on campaigns to promote the engagement of men in advocacy efforts would be welcome.

38. Noting that lesbian, bisexual and transgender women still faced exclusion, prejudice, stigma and violence, she asked what measures had been taken to foster social and political change. In that context, was the Government planning to introduce legislation to allow transgender women to obtain official documents that reflected their new gender identity?

39. Violence against women was a serious concern, particularly given the high rates of domestic violence and child sexual abuse in the country. The long-term impact of exposure to such violence was often underestimated and women frequently did not receive the care they needed and failed to report violent incidents to the authorities. Their lack of trust in the justice system appeared to be well-founded, given reports of the revictimization of women within the judicial system or at the hands of the police. Measures taken by the State party to tackle violence against women had remained inadequate, in spite of recommendations made in the Committee's previous concluding observations regarding the need to prioritize that problem. She invited the State party to consult the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992) on violence against women, in that connection.

40. She would be interested to know how the State contributed to the work done by NGOs in that field, including through funding, and what it was doing to ensure that the impact of violence on women was not underestimated. She also wished to know whether the task force on eliminating violence against women was one of the task forces that had been reactivated and what role civil society played in its work. Although she welcomed the adoption of decrees on domestic violence and child abuse, and the creation of specialized units pertaining thereto, she was disturbed by the high rate of violence against children,

including those with disabilities, and was concerned by the low number of health workers trained to respond to the needs of child victims. What was being done to raise awareness among health workers of the integrated case management guidelines?

41. Lastly, she asked whether, with a view to improving the services provided to women, the Government planned to introduce capacity-building programmes for the judiciary that encompassed, inter alia, the use of restraining orders, the collection of forensic evidence and training on disability awareness.

42. **Ms. Narain** said that she would appreciate information on the time frame envisaged for implementing legislation to give effect to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and on measures to ensure adequate consultation. She encouraged the State party to adopt stand-alone legislation on trafficking and asked whether the Government planned to adopt a national action plan on human trafficking and to collect disaggregated data on the prevalence thereof. Details of measures being taken to identify and tackle the root causes of trafficking of women and girls, including measures to alleviate poverty and improve women's access to education and employment, would also be useful. In the light of reports of girls being sold by their families in the wake of Cyclone Winston, she also wished to stress the need to include a gender perspective in emergency relief programmes.

43. Although the Government had signed mutual assistance agreements to combat trafficking with other island States in the region, the fact that no such agreements existed with the countries of origin of trafficking victims could hinder the investigation of cases and impede the prosecution of human traffickers. Were there plans to remedy that situation and ensure effective cooperation? Moreover, did the Government envisage concluding agreements with destination countries to facilitate the identification, rehabilitation and repatriation of trafficked Fijian women? She would be interested to know what awareness-raising activities were being implemented and what training was provided to law enforcement officials and social workers to combat human trafficking.

44. As sex work was still criminalized, sex workers faced brutal treatment at the hands of the police and were thus sometimes forced to place their health and even their lives at risk. She wished to know whether the Government planned to decriminalize sex work and what support and rehabilitation services were available to prostitutes and trafficking victims.

45. **Mr. Koroivueta** (Fiji) said that, to date, the Government had lacked a structured approach to implementing awareness-raising and outreach programmes to combat violence against women and monitoring the related targets. It planned to call on external experts in order to address those shortcomings and, with the support of donors and partners, aimed to implement a comprehensive communication and education plan designed to change deep-rooted cultural attitudes and beliefs. The first step in that direction had involved efforts to engage with religious organizations, which played a significant role in Fijian society. Various projects, including the "Man Up" campaign and training programmes for civil servants, aimed to involve men in advocacy efforts. The Government was committed to tackling violence against women and had established a domestic violence helpline, managed by the Fiji Women's Crisis Centre, which operated around the clock, was staffed by experts and included referral mechanisms. With NGO support, the Government was also working to establish shelters for victims of violence. While progress had been made, much remained to be done, particularly in rural communities and among disadvantaged groups. To address the shortcomings, the Government planned to further strengthen its NGO engagement activities.

46. **Ms. Chand** (Fiji) said that, since the entry into force of the Crimes Decree 2009, a number of trafficking cases had been brought before the courts and the Office of the Director of Public Prosecutions had organized annual internal training programmes on human trafficking. One of the main challenges the judiciary faced in prosecuting trafficking cases was persuading victims to give evidence in court and to remain in Fiji for the duration of the trial; trafficking victims were often foreign nationals and were likely to have been exposed to physical or psychological trauma. Child victims were a vulnerable group requiring special support, partly because, in many cases, their parents had been complicit in their trafficking.

47. The police and the Office of the Director of Public Prosecutions worked together to support trafficking victims. To make it easier for witnesses to give evidence, an application for an expedited hearing could be made in order to obtain evidence from witnesses in advance of court proceedings. However, the agreement of both the defence and the prosecution teams was required in such cases. If victims lacked funds to remain in Fiji, accommodation could be provided, either in immigration detention centres or — in certain cases — local motels, and subsistence allowances could be requested. Victims had access to interpretation services, counselling and medical treatment while officers from the Office of the Director of Public Prosecutions regularly updated them on the progress of their case and took into consideration requests for the suppression or withdrawal of witnesses' names. Non-governmental organizations were also involved in providing support to victims of trafficking. In general, the courts understood the difficulties involved in prosecuting human traffickers and sought to expedite cases whenever possible. Nevertheless, there was certainly scope to improve the victim protection system and the Government looked forward to hearing the Committee's recommendations in that regard.

48. As the Government had only recently ratified the Organized Crime Convention, no national policy on human trafficking had yet been developed. Consultations with stakeholders would need to be held before the relevant legislation could be enacted, and the established parliamentary procedures would need to be followed.

49. As religion was deeply rooted in Fijian society, any measures to decriminalize sex work would involve extensive consultations and need to pass through the appropriate parliamentary process.

50. Pamphlets designed to raise awareness of human trafficking and provide information on how victims could seek redress were published by the Office of the Director of Public Prosecutions in a range of languages and distributed at all points of entry to Fiji, as well as though the criminal justice system.

51. **Ms. Korovusere** (Fiji) said that the Government was taking steps to raise awareness among women in remote areas of services available to victims of violence. Although there were no support and rehabilitation services currently in place for sex workers, the Government had begun to examine the issue and was aware of the need for a national mechanism to address the problem. The task force on eliminating violence against women was fully operational and was involved in a range of programmes. It would launch its new service delivery protocol in March 2018. Its membership included representatives of various government agencies, international and regional bodies and NGOs.

52. **Ms. Vuniwaqa** (Fiji) said that, as soon as the new protocol was implemented, front-line officers would receive training on gender-based violence as part of measures to improve case management. While the traditional reconciliation practice of *bulubulu* contributed to maintaining peaceful community relations in village settings, it had no role to play in the criminal justice system. Judicial officers received training to ensure that *bulubulu* was not taken into account when prosecuting cases or sentencing offenders. She also wished to draw attention to the fact that UN-Women had agreed to carry out an impact analysis of the Zero Tolerance Violence Free Community campaign.

53. **Ms. Manalo** said that the delegation had not provided any information on female genital mutilation — a harmful practice that was spreading throughout the Asia and Pacific region. It was essential to prevent the problem from taking root in Fiji.

54. Although NGOs undoubtedly played a crucial role in combating gender-based violence, it was vital for the Government to ensure that cooperation with religious organizations did not lead to conflict with its obligations under the Convention.

55. **Ms. Narain** asked whether the Government had considered allowing victims to give witness statements on camera or via video link. With regard to expedited hearings, it was counterproductive to require the consent of both the defence and the prosecution teams. In that regard, she encouraged the Government to implement provisions to allow the courts to decide on what would best serve the interests of justice.

56. **Ms. Rana** said that she welcomed the State party's honest acknowledgement of the need for a more structured approach to its outreach and awareness-raising activities. It was

necessary to develop an integrated, comprehensive plan, with a dedicated budget, and to build partnerships.

57. She would appreciate information about the prejudice and stigma faced by the lesbian, gay, bisexual, transgender and intersex community, as well as more details about the national standard operating procedure on gender-based violence, including, in particular, the current status of its implementation, and any multisectoral training provided to front-line service providers.

58. **Ms. Haidar**, noting that girls in particular faced exploitation including sexual abuse, forced labour and child sex tourism, said that the high prevalence of child labour was alarming. She would therefore like to hear about any government plans to study the scope and prevalence of the phenomenon with a view to reducing its incidence, including, given the lack of data either on Fijian children or children trafficked to Fiji from abroad, any specific plans to protect vulnerable girls.

59. **Mr. Koroivueta** (Fiji) said that the State party took note of the Committee's comments regarding engagement with faith-based organizations. No cases of female genital mutilation had been recorded in Fiji to date but the Government would likewise take the Committee's comments on board and would monitor the situation accordingly. Closer dialogue with the lesbian, gay, bisexual, transgender and intersex community was also envisaged for the future.

60. **Ms. Chand** (Fiji) said that section 295 of the Criminal Procedure Decree allowed prosecutors to apply to the judge or magistrate to permit vulnerable witnesses to give evidence by video recording, in a suitable location outside of the courtroom, or behind a partition or one-way glass whereby the person giving evidence could not see the accused but the court could see the person. In some cases, vulnerable persons were entitled to submit evidence in the presence of the judge, magistrate or legal counsels alone. The Child Protection Division of the Office of the Director of Public Prosecution filed the appropriate requests when children were involved in trials.

61. **Ms. Vuniwaqa** (Fiji) said that the State party had hitherto approached the issue of human trafficking from the perspective of a State of destination. However, her country was also a State of origin, given the large numbers of women who went to work abroad. Consultations had been held with representatives of the International Organization for Migration (IOM) on action to be taken to address trafficking in both directions.

62. **Ms. Haidar** said that a number of United Nations bodies and programmes, particularly the "Faith for Rights" initiative of the Office of the United Nations High Commissioner for Human Rights (OHCHR), would be able to lend assistance in the dialogue with representatives of faith groups concerning human rights.

63. **Ms. Manalo**, noting that the number of trafficking victims, particularly girl victims, increased during natural disasters, asked whether the Government of Fiji intended to incorporate a gender perspective in its disaster relief policies so as to protect girls from trafficking and sexual and physical violence. If it had already done so, she would appreciate the delegation's comments on the results achieved.

Articles 7 to 9

64. **Ms. Narain**, noting that no statutory quotas had been established for woman's representation in politics in spite of commendable recent developments, said that she would be grateful for an outline of the steps being taken to boost women's participation in the upcoming elections, including, in particular, details of training and empowerment programmes for candidates and efforts to overcome social and cultural barriers. She wished to know how the State party intended to encourage qualified women to become political candidates, as indicated in its opening statement, and whether there was an understanding among leaders of the need to field women candidates in the absence of a legal minimum. A summary of any initiative launched by the Electoral Commission in that connection would be useful.

65. Given that article 57 of the Constitution, according to which public officials who ran for political office were deemed to have vacated their posts, might deter women from

standing for election, she invited the delegation to indicate whether the Government would consider offering such officials unpaid leave to run for election. In some countries, women who served as councillors at the local level received training on how to stand as candidates, how to campaign and how to hold office. Had any consideration been given to setting minimum quotas to ensure adequate representation of women in local government, and when would the next local elections take place?

66. As the national gender policy for 2014 contained no targets, indicators or timelines for achieving gender equality, she would like to know what the State party was doing to ensure its timely implementation and what progress had been made to date. While she was aware that male advocates had an important role in programmes to eliminate discrimination, she was concerned about how such men were received by women and would welcome assurances that women were responsible for running the programmes.

67. Welcoming news of the re-establishment of the four task forces that had previously served to give women a voice in the formulation of policy and legislation, she asked when the task forces would be operational and whether the Government would enter into a memorandum of understanding with NGOs in order to guarantee their long-term continuity, that they met regularly, and that they functioned in a structured manner.

68. Information on the number of ambassadors who were women, the obstacles that women diplomats faced in attaining ambassadorial appointments and the number of women who occupied senior posts in international organizations would be helpful. It would also be useful to know how many women had applied for, and how many had been successful in, the candidate selection process recently run by the Ministry of Foreign Affairs and the Public Services Commission, and what measures, if any, had been used to attract female applicants.

69. **Ms. Nadaraia**, noting that birth registration was not free of charge and late registration carried a fine even though the right of every child to be registered at birth and to have Fijian citizenship was constitutionally protected, said that an outline of the measures in place to ensure that mothers living in rural areas and on outlying islands had easy access to the birth registration system would be appreciated. She would particularly like to know how the registration fee affected mothers with disabilities, single mothers, and mothers from minority groups. Noting also that, in its replies to the list of issues issued by the Committee on the Rights of the Child in 2014, the State party had indicated that any child found abandoned in Fiji was deemed to be a Fijian national unless there was evidence to the contrary (CRC/C/FJI/Q/2-4/Add.1, para. 10), she invited the delegation to comment on concerns that children subsequently proven not to have been born in Fiji might be at risk of becoming stateless.

70. **Ms. Korovusere** (Fiji) said that the Ministry of Women, Children and Poverty Alleviation, in conjunction with UN-Women and the Building Resources in Democracy and Elections (BRIDGE) programme, provided training to encourage women to assume leadership roles and to enhance their skills, including at the local level. Work had been carried out to introduce gender mainstreaming across all government agencies and relevant stakeholders would be required to report on implementation of the national gender policy at a forum to be held before the end of 2018.

71. The members of the re-established task forces would agree on the frequency of meetings and other matters once they were fully operational. The number of women in the diplomatic service had fallen to two after the retirement of one of the diplomats. The recruitment and selection process for the diplomatic service had been open to members of the civil service and the general public, and the Ministry of Women, Children and Poverty Alleviation would work with the Ministry of Foreign Affairs to devise programmes to foster women's representation in the diplomatic service.

72. **Ms. Chand** (Fiji) said that the Births, Deaths and Marriages Registry had opened regional offices around the country and registrars travelled to the outlying islands to register the births of children whose mothers could not reach the mainland. Mothers of infants over the age of 1-year old who registered their children's births during amnesty periods, which lasted between 6 and 8 weeks, were exempted from payment of a fine.

73. **Ms. Vuniwaqa** (Fiji) said that registering the births of children under 1 year of age was free of charge but that a fee of F$2.20 was charged for the issuance of a birth certificate.

Articles 10 to 14

74. **Ms. Gbedemah** said, that despite commendable progress during the reporting period in the area of education, she was concerned by the lack of gender-disaggregated data on the education sector. That deficiency prevented in-depth analysis of the problems that women and girls faced. With traditional attitudes continuing to prevent girls from attending school, she wished to know how the Government sought to combat such obstacles and increase attendance. She noted that gender stereotypes were being eliminated from textbooks but wondered whether teachers were trained in how to prevent such stereotyping. Data on the numbers of female and male students at science and technology schools and institutes would be useful in view of the importance of women's participation in those areas; if female participation was low, might the State party consider introducing temporary special measures?

75. Since alternative sources indicated that pregnant teenagers often felt compelled to drop out of school due to stigma, she wished to know what steps the State party had taken to help reintegrate such students and prevent discrimination. No data had been provided on completion rates or the number of dropouts who returned to school. Data on the education of girls with disabilities was also lacking, but would likewise be helpful. She also wished to know what action the Government was taking to ensure that education on the outlying islands was up to standard.

76. She was concerned that syllabus vetting by conservative stakeholders might cause certain aspects of sex education to be omitted from school curricula and that, as a result, the State party might be prevented from fulfilling the Committee's previous recommendation concerning the need for universal age-appropriate sex education with a particular focus on the prevention of early pregnancy (CEDAW/C/FJI/CO/4, para. 29).

77. Since corporal punishment had not been completely eliminated, details on progress made towards amending the Juveniles Act and training teachers to avoid using such punishment would be welcome. She also invited the delegation to comment on the incidence of psychological violence, including cyberbullying, against lesbian, gay, bisexual, transgender or intersex students. Lastly, drawing the delegation's attention to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, she suggested that, when verifying the disaster resilience of schools, the State party should take the opportunity to include features that enhanced the education of girls, particularly in terms of sanitation.

78. **Mr. Bergby** asked what measures the Ministry for Women, Children and Poverty Alleviation, in conjunction with the Ministry of Employment, Productivity and Industrial Relations, envisaged using to boost the labour participation rate and decrease the unemployment rate of women. Good education results did not greatly improve the prospects of women in employment, and both the public and private sectors favoured hiring men. Women held the majority of low-paid jobs. He therefore wished to know what action the State party had taken to eliminate occupational segregation, including any temporary special measures.

79. Given that, in 2010 and 2011, women earned 29 per cent of all income despite accounting for 47 per cent of the labour market and that, according to his sources, they were paid 19 per cent less than men for similar work, he would appreciate an explanation as to the cause of such a broad wage gap and details of the action planned to reduce it. He would also like to know whether information from alternative sources suggesting that women in some sectors, including public services, received less than the minimum wage was accurate, and, if it was, what the Government was doing to address that situation. It would also be useful to know what the Government was doing to address the fact that the amount of unpaid work carried out by women increased after natural disasters, that women bore the largest burden, particularly in terms of finding resources and caring for families, and that their opportunities for paid work outside the home were therefore limited.

80. Since paternity leave was not provided for under any legislation, despite being encouraged by the State, he wondered whether the Government intended to amend employment regulations to close that lacuna. He also invited the delegation to comment on alternative reports that, although dismissal on grounds of pregnancy was unlawful, some employers ignored the prohibition in order to avoid maternity leave payments and most victims did not file complaints for fear of reprisals. He suggested that parental leave might be funded through collective contributions from all employers, in the same way that the provident fund collected contributions for retirement pensions.

81. He wondered what steps the Government might take to prevent employers from hiring workers for short periods in order to avoid having to make social security contributions on their behalf. He also wished to know whether the Government had considered allowing employees to work longer, if they chose to do so, in order to pre-empt adverse impacts on their pensions. Such impacts were disproportionately severe in the case of women, since, as they tended to earn less and take more leave, they generally received lower pensions.

82. Lastly, he asked what action was envisaged in response to a survey in which 20 per cent of the 1,000 women questioned had indicated that they had suffered sexual harassment, especially in view of the fact that the majority of sexual harassment cases went unreported and only 62 per cent of employers had established an internal policy, despite such policies being a legal requirement.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1579

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 March 2018

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1579th meeting
Held at the Palais des Nations, Geneva, on Friday, 23 February 2018, at 3 p.m.

Chair: Ms. Leinarte

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Fifth periodic report of Fiji (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Fiji (*continued*) (CEDAW/C/FJI/5; CEDAW/C/FJI/Q/5 and CEDAW/C/FJI/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Fiji took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Tuisawau** (Fiji) said that the Government had established a management information system that could be used to generate disaggregated data on school infrastructure and the number of children enrolled. Owing to the successful implementation of a number of government initiatives, the school retention rate for girls was very high in both urban and rural areas. Although more boys than girls were enrolled at the primary level, there were more girls than boys at the secondary level and in higher educational institutions.

3. The school curriculum had been reviewed in line with the National Curriculum Framework developed in 2013. As a result, business studies, career guidance and additional technical subjects had been included in the curriculum. Proposed changes to the curriculum were reviewed by both a national working group and local working groups composed of teachers before being referred to the Curriculum Council. As part of that process, images based on gender stereotypes were being removed from school materials. In line with the National Development Plan, greater emphasis had been placed on digital literacy to ensure that students in rural areas had the same educational opportunities as those in towns and cities, and efforts were being made to address the fact that some 70 schools did not have any kind of Internet connection.

4. Measures were being taken to improve the quality of teaching and the infrastructure of schools, particularly those that had been damaged by Tropical Cyclone Winston. New schools were required to conform to the Fiji Building Code and to provide at least 1 bathroom for every 30 girls.

5. Parents were encouraged to become involved in their children's education as a way of ensuring that students considered studying subjects other than those traditionally chosen by their gender. The data available to the Government indicated that an increasing number of girls opted to study science subjects. In 2017, for example, a significant number of girls had chosen to study chemistry, biology and mathematics, although the number choosing to study physics remained low. As a result, more women were enrolling to study medicine and other related subjects in higher education institutions.

6. A gender policy had been drafted to address the issue of teenage pregnancy. According to the available data, around 10 out of every 1,000 girls of childbearing age became pregnant. A number of measures, including peer-to-peer training, student leadership training and parental training, had been adopted to reduce the number of teenage pregnancies. A child protection policy had been established to protect children against corporal punishment, bullying and abuse, and child protection officers had been assigned to every school in the country.

7. Girls had accounted for some 51 per cent of the students benefiting from the Tertiary Education Loan Scheme and 59.1 per cent of those awarded a full scholarship under the National Toppers Scheme. The number of girls with disabilities enrolled in mainstream and special schools had increased. Screening was carried out in all schools to identify children with disabilities, including dyslexia, to ensure that they were provided with the appropriate support.

8. **Ms. Chand** (Fiji) said that, during the last universal periodic review of Fiji, the Government had undertaken to amend the clause in the Juveniles Act that related to reasonable chastisement. The proposed amendment, which was currently at the drafting stage, would need to be submitted to consultation before it could be presented to the

Parliament for approval. Children who had been subjected to corporal punishment in schools could seek redress under section 11 of the Constitution, which extended the concept of torture to corporal punishment in schools, and under section 5 of the Crimes Decree, which covered various kinds of assault. A number of teachers had been convicted of carrying out corporal punishment under the latter Act.

9. **Mr. Koroivueta** (Fiji) said that although the unemployment rate had decreased in recent years, unemployed women still outnumbered unemployed men. Efforts would be made to ensure that companies complied with the newly established minimum wage. However, the minimum wage would not apply to women entrepreneurs in receipt of grants for small and medium-sized enterprises. Although the retirement age had been reduced, retirees had the opportunity to undertake paid and volunteer work in Fiji and abroad. Teachers, doctors, nurses and other professionals often moved to other countries in order to continue working. Although paternity leave was not provided for under existing legislation, the Government intended to address that issue. The draft legislation would be designed to ensure that paternity leave was taken for the right reasons.

10. Although only 13 per cent of companies currently complied with the legal requirement to establish a policy on sexual harassment in the workplace, awareness-raising campaigns were being carried out to increase the compliance rate. Non-compliant companies were informed in writing of the importance of establishing such a policy.

11. **Ms. Manalo** said that the Committee would welcome information on any measures taken to ensure that employers complied with the principles of equal pay for equal work and equal pay for work of equal value.

12. **Ms. Gbedemah** said that the delegation had not yet provided sufficient answers to questions she had posed in the previous meeting regarding measures to address bullying in schools, the educational attainment of children living in rural areas and the more remote islands, and government efforts, if any, to train teachers to monitor educational materials and ensure the absence of gender stereotypes. The Committee would also be grateful for additional data on retention, completion and reintegration rates for pregnant girls attending alternative education centres, and for an indication of the time frame for implementation of the gender policy mentioned earlier. She wished to stress that swift amendment of the Juveniles Act was vital; although protection against corporal punishment in schools was theoretically available under other pieces of legislation, victims would find it difficult to obtain redress under those laws since access to justice for children was not easy.

13. **Mr. Bergby** said that it was still not clear what steps had been taken to prevent employers from hiring individuals for less than 12 days per month in order to avoid making contributions to the national provident fund on their behalf. He also wished to know what measures were in place to deal with sexual harassment in the army, the police and the prison service, since the courts were unable to address cases of sexual harassment in those institutions. Lastly, he asked why the Government had set such a low retirement age when the country would clearly benefit from the skills and experience of older workers.

14. **Ms. Haidar** asked when the Conference of Commonwealth Education Ministers would be held and what the Conference objectives were.

15. **Ms. Vuniwaqa** (Fiji) said that the Conference was under way in Fiji at the time of speaking.

16. **Mr. Koroivueta** (Fiji) said that reforms in the civil service should ensure that appointments were based on merit and that public sector employees were paid the appropriate amount irrespective of their gender. However, official data showed that women were underrepresented at senior levels of the civil service and, according to the public sector network of gender focal points, women were also underrepresented on the staff of some ministries.

17. In setting the current retirement age, the Government had taken into account the fact that life expectancy in Fiji was lower than in some other parts of the world and had been looking to ensure that young people had ample opportunities to enter the labour market, although the average age of the population was expected to rise. 70 per cent of Fiji islanders were currently under 40 years old. Fijian citizens who went abroad to work brought revenue

back to the country and tended to be in a much stronger financial position when they returned.

18. The Government would take steps to ensure that acts of sexual harassment in the army did not go unpunished.

19. **Ms. Vuniwaqa** (Fiji) said that measures were being taken to categorize positions within the civil service in order to identify jobs of equal value and ensure respect for the principle of equal pay for work of equal value. Efforts to ensure respect for that principle in the private sector would also be needed.

20. **Ms. Tuisawau** (Fiji) said that, as a State party to the Convention on the Rights of the Child, Fiji was committed to eliminating bullying in schools. Teachers had received training on the child protection policy, which was designed to protect children against all forms of abuse, including cyberbullying and bullying directed specifically at lesbian, gay, bisexual, transgender and intersex students. Cyberbullying was also addressed in policy for the use of mobile telephones in schools.

21. Owing to structural changes taking place within the Ministry of Education and the high turnover of staff within the relevant policy unit, it was not yet possible to say when the draft gender policy would be completed. Following the implementation of the National Curriculum Framework in 2013, a review of the entire school curriculum had been carried out. The changes resulting from that review, which included the removal of gender stereotyping from school materials, were due to be implemented in 2019.

22. **Ms. Arocha Domínguez** said that she wished to know what steps were being taken to ensure that communities in the remotest parts of the State party had access to health services and how the authorities addressed the tendency for health personnel to migrate either to the State party's larger cities or to other countries. She would also like to know how maternal and child mortality rates had evolved since 2010. In addition, she wished to know whether doctors and other health personnel helped to combat the taboos surrounding sex, and if so, how; whether the higher HIV infection rates among women than among men that were apparent at present were genuinely no more than the result of women's greater readiness to be tested; and whether the authorities, with a view to combating the stigma often faced by mothers who were HIV positive, had considered testing not only expectant mothers but also the men who had impregnated them.

23. Inviting the delegation to comment on access to abortion services in the State party, she said that it would be interesting to learn, for example, whether abortions were a cause of maternal mortality, and, if so, to what extent. She would also welcome an indication as to whether a strategy had been devised to help women deal with the harmful effects of the sedentary lifestyles and unhealthy eating habits newly prevalent in the State party. In that connection, she wondered whether the triumph of the Fiji national rugby sevens team at the Olympic Games in Brazil had been followed by government support for women's sports, the practice of which could help combat those new ills.

24. It would be interesting to know whether the welfare payments and loans made to persons with disabilities, single mothers and members of other vulnerable groups were one-off payments or payments made as part of programmes with solid foundations. She also wished to know whether any of the efforts the State party made as part of its plans to implement the 2030 Agenda for Sustainable Development focused specifically on women and girls.

25. Noting that Fiji, as an island nation, had any number of beautiful beaches and a well-developed tourist industry, she asked what steps had been taken to ensure that women were primary beneficiaries of the development of the State party's tourist industry, and not simply hotel housekeepers. Had the National Financial Inclusion Strategic Plan 2016–2018 reached women throughout the State party? Lastly, she wondered when community disaster management committees would be operational in all of the communities that were at risk of disasters exacerbated by the effects of climate change.

26. **Ms. Schulz** asked what efforts were being made to work with the communities whose traditional values had led to discrimination against women. In particular, she wished to know whether measures had been taken to ensure that women and children had priority

access to food in rural areas where, by custom, men ate first. She encouraged the State party to collect the data that would enable it to gauge the success of its rural development programmes.

27. In connection with access to land, she wondered how the State party reconciled the guarantee of non-discrimination enshrined in its Constitution with the constitutional provision that reserved land ownership for iTaukei and other indigenous Fiji Islanders. She also wondered how decisions to sell or lease communally owned land, in particular in coastal areas, were made; how the proceeds were distributed; and whether the State party planned to ensure that comprehensive consultations in which women were fully included preceded all sale or lease agreements. The delegation should also indicate whether the State party intended to redesign its marketplaces so that rural women travelling to market had access to safe accommodation for the nights that they were required to spend in town.

28. Noting that non-indigenous Fiji Islanders sometimes lost the leases to the land they farmed, often leaving them to move to burgeoning squatter settlements in the State party's urban areas, she said that, against that backdrop, it would be interesting to know whether the State party's policies on agricultural development, land use, housing and infrastructure were developed in concert; whether the State party had made plans to address the challenges posed by explosive urban growth; and how it intended to respond to the legal situation of the inhabitants of its more than 200 squatter settlements, who did not own the land they had settled. A comment on the efforts made to protect women and children in squatter settlements from domestic violence and other forms of crime would also be welcome. Lastly, she wondered whether plans had been made to evacuate iTaukei widows, who were often left behind, in the event of natural or other disasters.

29. **Ms. Haidar** said that she would welcome further information on the action taken by the authorities to regulate the operation of private sector companies that contributed to greenhouse gas emissions. She wondered what was being done to ensure that women were full participants in efforts to mitigate the possible effects of climate change, including climate-induced migration and displacement.

30. **Ms. Tamani** (Fiji) said that health services in Fiji were provided by around 200 different health facilities. They included nursing stations located throughout the country, including in highland areas and on smaller islands. Some 90 per cent of the nurses staffing those stations were female, and they were qualified to assist with emergency deliveries. More complicated cases were referred to health centres, which were overseen by doctors or nurse practitioners. Although those centres did not have in-patient facilities, they were able to stabilize patients until they could be transferred to a more comprehensive treatment facility, such as one of the country's subdivisional hospitals, which had inpatient facilities and provided allied health services. Divisional hospitals provided tertiary-level care.

31. Despite the country's numerous health facilities, the Government was well aware that work needed to be done to ensure that that the entire population had access to health care. To that end, a number of nursing centres had been set up within health centres, and the health centres in two key rural areas had been upgraded into subdivisional hospitals, in particular so that women in those areas would not have to travel long distances for inpatient maternity services. Mobile outreach teams, based in the health centres, provided comprehensive health-care services in hard-to-reach areas in the highlands and on the maritime islands.

32. Community health workers, who were volunteers selected by the members of their communities, provided primary care, while partnerships with NGOs facilitated the provision of sexual and reproductive health care, counselling and other services. Efforts had recently been made to build shelters near hospitals, where pregnant women, especially those from remote areas, could stay while waiting to give birth. Maternal care services, including family planning, were provided at all levels of the health system and, if a contraceptive was unavailable at one level, a referral was made to the next level. Women did not need their partners' permission to obtain any form of contraception. In 2016, more than 90 percent of pregnant women had had at least four antenatal check-ups and the maternal mortality rate had been 20.9 per 100,000 live births. Abortion had not been one of

the top five causes of maternal mortality. Skilled birth attendants assisted at more than 99 per cent of births.

33. The doctor-to-patient ratio had been very low in Fiji, but by 2017 it had improved to about 1 doctor for every 1,400 persons. The aim was to reach a ratio of 1 to 1,000. The number of graduates of the country's medical school had been rising, making it possible for more doctors to be posted to outlying areas.

34. Recent cyclones had done damage to a number of health facilities, but new facilities had been built in the areas that had been severely affected. Budget allocations had been made for the maintenance of health facilities and for capital improvements.

35. HIV testing was available at antenatal clinics and elsewhere. Counselling was provided before and after tests, and women and children who were HIV positive were registered at one of the country's three divisional hospitals, where they received follow-up treatment. Hepatitis B and tuberculosis screening and treatment were among the services available to persons living with HIV/AIDS. Prevention of mother-to-child transmission of HIV was available free of charge. Since early 2016, data regarding persons living with HIV/AIDS had been entered in an online database. The HIV prevalence rate in Fiji was less than 0.1 per cent, as it had been for the previous 20 years. The Ministry of Health earmarked funds for the management of HIV and other sexually transmitted infections. It also had a unit that coordinated initiatives funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

36. Comprehensive sex, family health education and life skills training were provided through a peer educator programme followed by students in the country's elementary and high schools. The programme, which had been in place for more than ten years, had been funded by ongoing allocations from the Ministry of Health. School health programmes included wellness and mental health initiatives, efforts to prevent suicide, immunization drives, oral health services and the diagnosis and management of rheumatic heart disease, which could prevent complications in pregnancy. A recent review of the adolescent health services provided by the State had led to a number of recommendations, which would be addressed in part through a strategic plan on adolescent health, for which a budget had already been allocated.

37. Under the Crimes Decree 2009, abortion performed by a medical practitioner was lawful if it was carried out in good faith and with reasonable care and skill, and the pregnancy was the result of sexual intercourse between a parent and child, a brother and sister or a grandparent and grandchild. It was also lawful if the pregnancy was the result of rape, if continuing the pregnancy was likely to result in serious danger to the physical or mental health of the woman concerned or if the pregnancy was already causing serious danger to the woman's physical or mental health.

38. **Ms. Vuniwaqa** (Fiji) said that doctors' salaries had been raised considerably in the previous year, encouraging many of them to return to the public sector.

39. **Ms. Korovusere** (Fiji) said that there was clearly a lack of investment in sports activities for women. However, the national machinery for the advancement of women had recently begun consultations with sports bodies with a view to improving that situation and limited funding had already been provided, for example, for netball. The Ministry for Women, Children and Poverty Alleviation funded programmes providing allowances for persons living with disabilities, and 37 per cent of the beneficiaries were women. Among small grants recipients, 40 per cent were women; of those receiving care and protection allowances, 48 per cent were women; and 57 per cent of those receiving benefits under the social pension scheme were women. The Ministry also promoted income-generation activities, for example by holding the annual National Women's Expo, which showcased the handicrafts of the country's women, to link Fijian women with both national and international markets.

40. **Ms. Nairoba** (Fiji) said that a number of initiatives had been taken to benefit women market vendors. The Ministry for Women, Children and Poverty Alleviation was working closely with UN-Women in the Markets for Change programme, and also with local municipalities, to address the issues faced by market vendors. There were currently about

1,500 market vendors in the country, nearly 90 per cent of whom were women. The recent initiatives had increased their social standing and economic security and had also helped to increase their participation in decision-making at the local level, resulting in improved accommodation and accessibility for the market vendors. In addition, the infrastructure at marketplaces had been made more gender-responsive.

41. The Ministry of National Disaster Management and Meteorological Services had recently launched a national humanitarian policy on disaster risk management, which was gender-sensitive, and women were included in the related discussion groups and committees at the national and local levels. The Government recognized the role of women in addressing climate change and food insecurity. The Ministry of Agriculture and the Ministry of Fisheries and Forests had identified, with the help of donors, new technologies and better production practices to ensure food security in villages. Housing allowances were available to assist rural women, and a large number of rural women had transferred from agriculture to the production of handicrafts to supply the tourism industry, which were featured, for example, in the National Women's Expo.

42. **Ms. Vuniwaqa** (Fiji) said that prior to colonization, all land had belonged to the iTaukei people, the indigenous people of Fiji. Since then the situation had evolved, and land tenure in Fiji fell into three categories: iTaukei, or indigenous land; private freehold land; and Crown, or State, land. The sale of indigenous land, which made up around 90 per cent of national territory, had been banned first by law and later by a constitutional provision in order to ensure that it would remain in the hands of indigenous people. Both indigenous and Crown land could be leased, and freehold land could be sold.

43. Until recently, leases had been granted only to men, but the standard operating procedures had been changed so that when a married person took up a lease it was issued in the names of both spouses. The leases were granted for 99-year periods and were renewable. The proceeds from leases of indigenous lands had until recently been divided disproportionately, with the clan chiefs receiving around 70 per cent of the funds and the rest being shared among the members of the clan, but the law had recently been amended so that all members of the clan, irrespective of their status or gender, received identical amounts.

44. The Fijian Government, like many others, applied price controls for basic food items. Accommodation was currently being built in marketplaces for market vendors. The information that the Committee had requested on the education sector and women's access to bank accounts would be provided within 48 hours. The Government had adopted an ambitious energy policy that called for 100 per cent use of renewable energy by 2030, and the policy had already elicited a response on the part of the private sector.

45. **Ms. Schulz** said that it was her understanding that there was a risk that foreign persons and companies could purchase or lease land in Fiji, thus possibly causing environmental damage through irresponsible land use. Did the Government take any steps to mitigate that risk?

46. **Ms. Hayashi** said that she wished to receive further information about land tenure rights. According to the periodic report, children of married parents took their fathers' family names and were considered to be part of their fathers' family units for land tenure rights. What happened to the children of single mothers and mothers who were divorced or widowed? According to the periodic report, the non-financial contribution of women was taken into consideration when they claimed shares in matrimonial property. Was that provision relevant to traditional land ownership rules?

47. **Ms. Vuniwaqa** (Fiji) said that foreign ownership of residential land was subject to relatively strict restrictions, and other restrictions applied in the case of commercial properties. In the past, many foreigners had purchased land or land rights and had subsequently not made any use of the land in question, sometimes for decades. The Government had recently passed a law requiring that foreigners who purchased land must develop it within two years, failing which they would have to pay penalties. The environmental protection provisions were quite stringent, especially in respect of mangroves and foreshore lands, which belonged to the State. No law established that children must take their father's names, but that was the standard practice. For registration

purposes, iTaukei girls were registered under the *tokatoka*, or family unit, of their fathers, and remained there even after marriage; their entitlements under their initial registration remained intact until death. For indigenous persons, registration was closely tied to land ownership. Proposals to lease iTaukei lands required the consent of 60 per cent of the members of the corresponding *tokatoka* or *mataqali*.

48. **Ms. Schulz** said that she would like to receive information on the problems faced by squatters and how the authorities addressed the insecure situations they faced in terms of legal rights, housing conditions, crime and poverty.

49. **Ms. Song** said that she wished to commend the Fijian authorities for the efforts they had made to address the problems of rural women. The situation of rural women was a good indicator of whether a country took the steps required to ensure respect for women's rights.

50. **Ms. Vuniwaqa** (Fiji) said that in 2014 the authorities had taken steps to regularize the tenure of persons living in squatter settlements on Crown land, some of whom had been living there for generations, through the distribution of leases. After receiving documents giving them a legal status, the lessors had often built better homes, thanks to the legal security that such documents afforded. The Government had also taken steps to provide services such as water and electricity for persons with low incomes, including those living in squatter areas. At a recent Cabinet meeting, the Minister of Lands and Natural Resources had proposed a similar measure for iTaukei lands.

51. **Ms. Hayashi** said that the periodic report submitted in 2009 had mentioned that legal reforms had established a family court system and had introduced no-fault divorce, provisions for child maintenance and a system for the division of marital property in line with the Convention. She would like to know the State party's assessment of the status of implementation of those family law reforms. Could the delegation identify any shortcomings or obstacles to implementation? Commending the State party for changing the Marriage Act to bring the legal age of marriage to 18, she asked whether information on the new legislation had been disseminated to members of the legal profession and law enforcement services. Had the revised Marriage Act eradicated practices such as underage marriage and polygamy, or were such practices still a part of customary marriage?

52. Between 2009 and 2014, the number of applications to the family court had tripled, but even that number was apparently low in relation to the number of people requiring its intervention. It was estimated that a mere 5 per cent of women who encountered family law problems actually chose to bring their cases to court. She would therefore appreciate details of any measures taken to reduce delays in family court proceedings. According to information received by the Committee, village chiefs had mediated between unmarried rape victims and their attackers or their respective families to arrange marriages, and young girls had been forced into marriage with their rapists, apparently owing to financial and cultural considerations. What was the view of the State party about such reports? Did any legal provisions mitigate the responsibility of perpetrators of rape if they married their victims?

53. **Ms. Chand** (Fiji) said that no detailed assessment had yet been conducted of the implementation of the Family Law Act, which dated from the early 2000s. It was perhaps time to conduct such a study. Customary marriages, including child marriages, were not recognized under the law. Such cases must be reported by family members or civil society organizations working in the communities in question in order for them to be dealt with by law enforcement officers and the legal system. Various directives had been issued to judicial officers instructing them to eliminate backlogs and expedite the treatment of cases in the legal system. If any marriages were being arranged between rape victims and their attackers, it was outside the context of the law, which provided no mitigating circumstances for the offence of rape if the perpetrator married the victim.

54. **Ms. Vuniwaqa** (Fiji) said that marital rape was illegal in Fiji and that the delegation had no record indicating that the victim of a rape had been forced into a marriage with her attacker. If such a situation were reported, it would be subject to criminal prosecution, like any other rape.

55. **Ms. Haidar** said that she was concerned about the State party's lack of ability to address gender-based violence. The delegation had described the establishment of shelters for victims, but the Committee would like to be reassured that measures were being taken to ensure that the prevalence of such violence would be significantly reduced by the time the State party returned to present a new periodic report. The Committee had received information according to which the sentences handed down by the judiciary for acts of gender-based violence were excessively lenient, which undermined confidence in judicial processes. What measures was the State party considering to inculcate an understanding among the members of the judiciary of the need to address gender-based violence with sufficient seriousness and to ensure access to justice for victims?

56. **Ms. Vuniwaqa** (Fiji) said she agreed that reducing gender-based violence was a major concern for the future. However, she would not go so far as to identify the judiciary's treatment of gender-based violence as a weak point. The sentences handed down had so far been in line with sentencing tariffs established by the Fijian legal system. In her view, reducing gender-based violence would most likely require improved coordination of the responses and efforts of stakeholders involved in case management. The service delivery protocol that was currently being drawn up would help in that connection.

The meeting rose at 5 p.m.